

EXAMINING THE DRUG THREAT ALONG THE SOUTHWEST BORDER

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON
GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

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EXAMINING THE DRUG THREAT ALONG THE SOUTHWEST BORDER

FRIDAY, SEPTEMBER 24, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:37 a.m., in room 2247, Rayburn House Office Building, Hon. John Mica (chairman of the subcommittee) presiding.

Present: Representatives Mica, Barr, Ros-Lehtinen, Souder, Hutchinson, Ose, Mink, and Kucinich.

Also present from the House Border Caucus: Representatives Bilbray, Kolbe, and Reyes.

Staff present: Sharon Pinkerton, staff director and chief counsel; Gilbert Macklin and Carson Nightwine, professional staff members; Charley Diaz, congressional fellow; Lisa Wandler, clerk; Cherri Branson, minority counsel; and Earley Green, minority staff assistant.

Mr. MICA. Good morning. I would like to call this meeting to order. This morning our Subcommittee on Criminal Justice, Drug Policy, and Human Resources is going to review some of the problems relating to our U.S. Southwest border, examining the threat among our various activities in regard to illegal narcotics control.

I am going to open the subcommittee hearing this morning with an opening statement. We want to go ahead and get started because we will have votes this morning, and will be joined by various Members, and I will recognize them as they come in. But we do have the Director of our Office of National Drug Control Policy and other witnesses. I think we have three panels today that we want to hear from, and so we do want to proceed.

This morning our subcommittee is holding this oversight hearing to examine our Federal policy to combat the flow of illegal drugs and illegal aliens across our Southwest border. The importance and difficulties of this mission are in fact enormous. The Southwest border is the most active border in the world. It is estimated that almost 4 million trucks, 100 million cars, and a quarter billion persons cross the border annually through more than three dozen entry points.

From a law enforcement perspective, control of the U.S. border in this area is becoming more and more elusive. Evidence of the problem mounts every day. We have been told that in 1998 the U.S. Customs Service alone seized almost 32,000 pounds of cocaine,

850,000 pounds of marijuana, and 407 pounds of heroin along the Southwest border. Furthermore, the implementation of NAFTA has made it easier for drug traffickers and those entering the United States illegally to use the cover provided by legitimate cross-border commerce and normal traffic.

It is estimated that up to 70 percent of the cocaine, 50 percent of the marijuana, and more than 20 percent of the heroin in the United States now comes across the Southwest border. Eventually, these drugs end up in our cities, in our schools, businesses, and homes throughout the United States.

A recent DEA report indicates, "It is now common to find hundreds of traffickers from Mexico, many of them illegal aliens, established in communities like Boise, Des Moines, Omaha, Charlotte, and Kansas City, distributing multi-pound quantities of methamphetamine."

This border has also become the crossing point for an incredible amount of methamphetamines that we have found throughout the United States in various hearings that we have conducted of this subcommittee.

The correlation between a loose border and human misery in this country is obvious. With the Southwest border now representing a major factor in the illegal trafficking of drugs into this country, and with 14,000 drug-related deaths occurring each year in the United States, our control of the Southwest border represents a significant national security threat.

The statistics on drug use, particularly among our young people, is a constant worry in every American community for every parent, and for every Member of Congress. Heroin use is continuing to rise dramatically. Drug overdoses and deaths continue to plague our metropolitan areas, our suburbs, and our schools. Among our 12th graders, more than 50 percent of them have tried an illicit drug, and more than one in every four may be current users.

The statistics, too, as I point out often on the House floor, relating to heroin production in Mexico, should be a warning sign to everyone. Once a small producer of heroin, Mexico now is the source of a much larger percentage of the heroin consumed in the United States. That heroin then travels across this border into our communities.

As chairman of this subcommittee and a close observer for decades of our efforts to combat the scourge of drugs, I am particularly concerned about our law enforcement strategy and its implementation along our Southwest border. Congress has poured substantial moneys into Southwest border initiatives to combat drug trafficking and the entry of illegal aliens across that border.

Today, it is critical that we examine the results of these efforts and review our plans for the future. Are we making progress, or are we losing ground? What more should we do? The entry of illegal aliens and the border crossings of drug traffickers must be stopped.

Since 1993, the Immigration and Naturalization Service budget has increased from approximately \$1.5 billion to nearly \$4 billion. During the same period, INS staff grew from approximately 17,000 to more than 28,000 full-time employees, as of June 1999. Today,

INS is the largest Federal law enforcement agency in the U.S. Government.

Our subcommittee needs to know how this increase in funding and staffing has slowed illegal immigration and illegal border crossings, activities that result in more drugs, more crime, more negative economic and social impacts on both our States and our communities.

The Border Patrol has grown from 4,000 to 8,000 agents in 5 years. Where are these agents, and what are they doing? Are they in the right places and assigned to the right tasks?

We have numerous agencies represented here today involved in our Southwest border efforts. How effectively do they communicate and share information? The administration has suggested that a strong bilateral approach to law enforcement with Mexico is necessary to achieve our mutual interests in controlling our border and protecting our citizens. What evidence is there that Mexico today is cooperating fully with our efforts? How many drug cartels responsible for cross-border trafficking have been dismantled? How many continue to operate?

Today, we will hear more about what the administration is attempting to do, as well as the efforts of local law enforcement officials who enforce laws daily along the Southwest border.

Still, we must face certain irrefutable facts: increasing and dramatic amounts of illegal narcotics are still coming through this border from Mexico. They are ending up on American streets. These drugs, and those who traffic in them, spread and finance gang violence, destroy young lives, and undermine our communities and the quality of life.

We have with us today law enforcement representatives from local, regional, and Federal organizations who will tell us more about these growing challenges. I am also pleased today that we have with us a number of my colleagues in Congress, particularly those who have worked with the Congressional Border Caucus, who, are committed to addressing these challenges and threats. I welcome their continued efforts and support in this area, and I also welcome their participation in this hearing.

Earlier this year, the ranking member and I led a delegation to the Southwest border of the United States. We did see in February, firsthand, some of the challenges that we face. I can assure you that we do have some major problems. Also, in a hearing and meetings that we conducted there, we also heard of disorganization, lack of cooperation, and a general disarray of our U.S. agency activities to bring our borders and, again, drug trafficking under control.

We believe that we must move immediately to address these problems more effectively. This is not a partisan issue. This is not a Republican or Democrat issue. This is an issue that faces our Congress very squarely as a challenge we must meet together.

I must say that I am pleased with the announcement 2 days ago just before this hearing that a major drug bust was conducted along the Southwest border. I believe this operation was called "Operation Impunity." Still, it appears that such busts should be a matter of routine if we are to fulfill our border control responsibilities.

I must ask our witnesses: Are we going to see more of these enforcement activities, and how soon? We strongly support these efforts, and we want them to continue.

The protection of our citizens, the enforcement of our immigration laws and policies, and putting a halt to border trafficking in illegal narcotics, and the protection of our territorial sovereignty are among the issues that we will discuss today. I look forward to hearing from our witnesses, as we seek a better understanding of our border control efforts and the national priority that it must represent.

I am pleased now to recognize our ranking member, the gentlelady from Hawaii, Mrs. Mink.

[The prepared statement of Hon. John L. Mica follows:]

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Chairman John L. Mica
September 24th, 1999
Subcommittee on Criminal Justice, Drug Policy and Human Resources

Our Subcommittee is holding this oversight hearing today to examine our federal policy to combat the flow of illegal drugs and illegal aliens across our Southwest border. The importance and difficulties of this mission are enormous.

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From a law enforcement perspective, control of the border is becoming more and more illusive. Evidence of the problem is mounting.

We have been told that in 1998, the U.S. Customs Service alone seized almost 32,000 pounds of cocaine, 850,000 pounds of marijuana, and 407 pounds of heroin along the Southwest border.

Furthermore, the implementation of NAFTA has made it easier for drug traffickers and those entering the U.S. illegally to use the cover provided by legitimate cross-border commerce and traffic.

DEA estimates that up to 70% of the cocaine, 50% of the marijuana, and 20% of heroin in the U.S., now comes across the Southwest border. Additionally, this border has become a route for smuggling in significant amounts of heroin. Eventually, these drugs end up in cities, schools, businesses and homes throughout the United States.

A recent DEA report indicates that: "It is common now to find hundreds of traffickers from Mexico, many of them illegal aliens, established in communities like Boise, Des Moines, Omaha, Charlotte, and Kansas City, distributing multi-pound quantities of methamphetamine."

The correlation between a loose border and human misery in this country is obvious. With the Southwest border now representing a major factor in the illegal trafficking of drugs into this country, and with 14,000 drug-related deaths occurring each year in the United States, our control of the Southwest border represents a significant national security threat.

The statistics on drug use, particularly among our young people, is a constant worry for every American community and for every member of Congress. Heroin use is rising dramatically. Drug overdoses and deaths continue to plague our metropolitan areas, our suburbs and our schools. Among our 12th graders, more than 50% of them having tried an illicit drug and more than one in four may be current users.

As Chairman of this Subcommittee and close observer for decades of our efforts to combat the scourge of drugs, I am particularly concerned about our law enforcement strategy and its implementation along our Southwest border.

Congress has poured substantial monies into Southwest Border initiatives to combat drug trafficking and the entry of illegal aliens. Today, it is critical that we examine the results of these efforts and our plans for the future. Are we making progress or losing ground? What more should we do?

The entry of illegal aliens and the border crossings of drug traffickers must be stopped. Since 1993, the Immigration and Naturalization Service (INS) budget has increased from approximately \$1.5 billion to nearly \$4 billion. During the same period, INS staff grew from approximately 17,000 to more than 28,000 full-time employees (as of June 1999).

Today, INS is the largest federal law enforcement agency in the United States Government. Our Subcommittee needs to know how this increase in funding and staffing has slowed illegal immigration and illegal border crossings -- activities that result in more drugs, more crime and more negative economic and social impacts in our States and communities.

The Border Patrol has grown from 4,000 to 8,000 agents in five years. Where are these agents and what are they doing? Are they in the right places and assigned to the right tasks?

We have numerous agencies represented here today involved in the Southwest border. How effectively do they communicate and share information?

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Today we will hear more about what the Administration is attempting to do, as well as the efforts of local law enforcement officials who enforce laws daily along the southwest border.

Still, we must face certain irrefutable facts: increasing amounts of illegal drugs, coming from or through Mexico, are ending up on American streets. These drugs and those who traffic in them spread and finance gang violence, destroy young lives, and undermine our communities and quality of life.

We have with us today law enforcement representatives from local, regional, and Federal organizations who will tell us more about these growing challenges. I also am very pleased that we have with us today a number of my colleagues in Congress, particularly those working with the Congressional Border caucus, who are committed to addressing this terrible threat. I welcome their continued efforts in this area and participation in this hearing.

I led a congressional delegation to the Southwest border this past February and saw first-hand some of the challenges we face. I can assure you, we do have a major problem, and we must move immediately to address it more effectively.

I must say that I am pleased with the announcement two days before this hearing of a major drug bust along the Southwest border --"Operation Impunity." Still, it appears that such busts should be a matter of routine if we are to fulfill our border control responsibilities. I must ask our witnesses, are we going to see more of these busts? How soon?

The protection of our citizens, the enforcement of our immigration laws and policies, putting a halt to border trafficking of illegal drugs, and the protection of territorial sovereignty are among the issues we will discuss today.

I look forward to hearing from our witnesses as we seek a better understanding of our border control efforts and the national priority it represents.

Mrs. MINK. I thank the chairman for convening this hearing. As he indicated, several of us traveled the early part of this year on an extensive investigation and inquiry as to not only the trafficking of these drugs across the border, but the extent to which we are really exerting the maximum energies, expertise, and technology in interdicting the drugs that are coming across the border.

And as we indicated at the time that we made the stopover at the border, we were going to continue to investigate this matter. So I welcome the convening of this hearing today, and I look forward to the testimony of the witnesses that have been called to testify. Thank you, Mr. Chairman.

Mr. MICA. I am also pleased to recognize for any opening comment Mr. Reyes, the gentleman from El Paso, TX, also a member of the Armed Services and Veterans Affairs Committees, and active in these Southwest border issues. Mr. Reyes, you are recognized.

Mr. REYES. Thank you very much, Mr. Chairman. And I, too, would like to echo my colleague's appreciation for calling this hearing; and more than that, for calling attention to a very serious issue that affects not just border communities, but our whole country.

I also want to commend you for the diversity of the witnesses this morning. And as you may or may not know, I spent 26½ years, prior to coming to Congress, as a border patrol agent, the last 13 as a chief, both in south Texas and in El Paso. I am pleased to see a number of my former colleagues that are going to be offering testimony here this morning.

So I think this is certainly a step in the right direction. There are a lot of things that we need to focus in on to help our various law enforcement agencies, among the local, the State, and the Federal level, to work together, to coordinate, and ultimately, to make the streets of America safer. So I appreciate this opportunity, Mr. Chairman.

Mr. MICA. Thank you. And thank you again for joining us this morning.

I am pleased now to turn to our panels. We have our first panel of one individual who is key to this entire effort, who probably has the most difficult responsibility of anyone in this administration for any assignment, and that is trying to bring together our national effort on drug control policy.

He has done an outstanding job in trying to pull together various activities that are so crucial. Among them, of course, is trying to bring our agencies and the local governments, States, and other efforts together into some coherent effort to bring drug trafficking and the borders under control. So we are pleased to welcome the Director of the Office of National Drug Control Policy, General Barry McCaffrey, back to our subcommittee.

General, as you know, this is an investigations and oversight subcommittee. If you would, please stand and be sworn.

[Witness sworn.]

Mr. MICA. Thank you, and welcome back, General. We are pleased to recognize you for your statements in regard to this issue before the subcommittee.

**STATEMENT OF BARRY R. McCAFFREY, DIRECTOR, OFFICE OF
NATIONAL DRUG CONTROL POLICY**

General McCAFFREY. Thank you, Mr. Chairman, Representative Mink and Congressman Silvestre Reyes who has been a tremendous leader and example and a source of wisdom on this issue.

We have welcomed the chance to appear before Congress to discuss the Southwest border. It has generated a very useful review of "Where are we?" I think the subsequent panels will, obviously, flesh out our view. What I will offer, if I may, is a few short minutes of formal remarks: First of all, I would like to place in the record our written statement. Mr. Pancho Kinney from my office has pulled together throughout the administration, from law enforcement, from the State Department, from the Department of Defense, our best views on the current state of affairs. So I offer those.

Mr. MICA. Without objection, the entire statement will be made part of the record.

General McCAFFREY. Also, Mr. Chairman, I have asked my staff—particularly Mr. Joe Peters, who is our Acting Director of State and Local Affairs—to go through our own organizational concepts and offer for you and your staff and your committee members the organizing documents that we have in play.

First of all, you have in your packet the aspects of the "strategy" which we submitted for congressional consideration in 1999 that relate to the Southwest border. That is what we are trying to do, what we wrote in the strategy.

I have also extracted from the "Performance Measures of Effectiveness" how we say we are going to assess how well we are doing. And so these PME's, which are really only a "C-minus" state of execution right now, will be the organizing way in which I try and monitor the compliance of my Federal partners with this "strategy."

You also have in your packet the "threat assessment." As you know, Dennis Usrey, our Southwest border HIDTA Director, is here. This is local, State, and Federal law enforcement's viewpoint along the five Southwest border HDTAs on the threat they face. We are going to be updating this this coming winter, but this is now the picture we see of where these criminal organizations are trying to penetrate the Southwest border.

Two documents I think—first of all, they are a compliment to the Congress—come from my own Center for Technology Assessment. I have one document, "Southwest Border Technology Interest Areas," and the other one, "The Counter Drug Technology Transfer Program."

Congress has put a significant amount of money into this effort—I would argue, not yet enough—in which we are trying to give local and State law enforcement throughout the United States in this case, I will address the Southwest border some of the tools that they can use to more effectively protect the American people. I think it is a well regarded program, and one you may wish to question your later witnesses about.

Two final documents, if I may: One is an attempt to capture in a snapshot form Mexican achievements in the counter-narcotics arena. And we have just given you some insights into where we are

now. Of course, we have a formal assessment we will have completed by February 2000, but this gives you an update from my last written input to your committee.

The final document is "Counter Drug Intelligence Architecture Review." The Congress asked me in the law to look at the connection between U.S. intelligence collection and support for law enforcement on the drug issue. This has been a brutally painful and extended debate inside the administration.

There is a thicket of U.S. laws that we had to take into account as we went about this analysis. They are sort of obvious. You do not want to take your foreign intelligence collection system and jeopardize it by putting in play sources and methods in a Federal court hearing that might betray a program that cost us millions of dollars and years to develop. And conversely, you cannot afford to have your intelligence system in any way violating U.S. Federal protection of privacy of U.S. citizens.

But we have completed this process. The Attorney General, the CIA Director, and I have agreed on the outcome. All other Federal actors took part in it. We are going to now try and set up a sensible, three-tier way of dealing with the intelligence support responsibility we have to local and State law enforcement in particular. And I would argue that currently it is completely inadequate. We have the best intelligence system in the world; but at the end of the day, it does not connect effectively to law enforcement leadership.

Let me, if I may, Mr. Chairman, just take note of some of the witnesses who are in the room, as well as others who are listening. We welcome the presence today of Samuel Martinez, who is the executive committee member of the Hispanic-American Police Commanders Association. Second, Mr. Al Zapanta, President and CEO of the United States-Mexico Chamber of Commerce, who has been an enormous help to me throughout the last several years.

And finally, Mr. Jim Polly, director of government affairs, the National District Attorneys Association.

And I mention him in particular, because it is obvious to most of us who have studied this issue that we have a responsibility to have a balanced system approach to the border. And where we put resources in one area—for example, the Border Patrol—but we do not have a corresponding support mechanism to ensure that local prosecuting attorneys and local law enforcement have the resources they need, we will break the system. And so we very much welcome the involvement of the National Sheriffs Association, the National District Attorneys, and others.

My staff also had an extended meeting yesterday, and I had an excellent session this morning, with representatives from all five of our Southwest border HIDTAs. I would argue this is one of the best programs that Congress has put together and then supported financially in the last several years.

As you know, when we started this program in 1992, there were five total HIDTAs. Now there are 31. You have given me the resources we need to provide modest but effective support to these efforts. So this morning I had a meeting with the supervisor, David Torres, of the California Bureau of Narcotics Enforcement; Lieutenant Jim Burns, from the California Sheriff's Office, Imperial Coun-

ty; New Mexico HIDTA Sheriff John Lee, sheriff of Otero County, who I found enormously helpful in developing my own thinking. You have appearing as a witness Director Dennis Usrey, who possesses great experience. He is our director of the entire Southwest border HIDTA effort. And Lieutenant Raul Rodriguez, who will also be one of your witnesses, is a metro task force commander out of Nogales, AZ. He has done this his entire adult life, and knows what he is talking about when it comes to the support he expects to see.

Finally, again, we are grateful for the National Guard Bureau support across the entire Southwest border, and Colonel John Mosby, director of NGB Counterdrug Programs, was also part of my preparation for this hearing.

Let me, if I may, start again by taking into account the "National Drug Strategy." You have increased funding for the "strategy" in 4 budget years, from \$13.5 billion to \$17.8 billion. And a lot of that—thankfully—a 55 percent increase went into prevention and education. The heart of this "strategy," clearly, is goal No. 1: How do we minimize the number of American adolescents who are exposed to gateway drug-taking behavior?

You have given us a 26 percent increase in funding in 4 years for goal No.'s 2 and 3, relating to dealing with the 6 percent of us, the 13 million Americans, who are abusing drugs; and in particular, the 4 million of us who are chronically addicted.

In today's hearing you are asking me to focus in on goal No. 4: How do we more effectively shield America's air, land, and sea frontiers from the drug threat? And clearly, the biggest threat to our defense against illegal narcotics still comes across this enormous Southwest border, the biggest open border on the face of the Earth.

Now, let me give you the bottom line. Mr. Chairman, in 1997, I reported to the President, "Our current interdiction efforts almost completely failed to achieve our purpose of reducing the flow of cocaine, heroin, and methamphetamines across the border." I went on to argue, "We need to shift from a manpower, physical inspection approach to one that is intelligence driven and that employs emerging technologies to conduct non-intrusive searches."

My fundamental assessment has not changed. I believe we are moving in the right direction. The resources you have given us are being gainfully employed. The manpower is beginning to take effect. But we have not yet achieved our purpose of significantly reducing the flow of cocaine, heroin, and methamphetamines across the border.

As you mentioned, it remains a principal threat. Some 55 percent of the drugs in the United States pass through the Central American-Mexico corridor, and then across the United States, generally speaking, by land, although some of it by air.

Clearly, we have an enormous problem, and I have a little chart that gives you a snapshot of it. We have a huge effort. This is a \$2 billion program, 11,000 Federal officers. It is largely an open border; 1 percent of it is fenced. Much of it is water that is easily crossed. A lot of it is remote, rugged land area which is barely marked.

There are innumerable places where you can drive unimpeded across that border with four-wheel-drive vehicles. And we are facing people who have been smuggling across that border literally for generations, and who know the terrain and are willing to employ violence to achieve their purpose. So that is the challenge as we look at it.

We also note, favorably, the 100 million Mexicans to our south, are our second-largest trading partner on the face of the Earth. So we are trying to sort out criminal activity from among 278 million people crossing that border a year, 86 million cars, 4 million trucks and rail cars. That is the challenge that is summarized on this chart.

Now, how are we doing? I would say, if you look back over the last 4 years in which I have been studying the issue: Not very well. When you look at inspection of trucks and rail cars, which is essentially where a lot of this illegal cargo is concealed, if you try and get at it with physical searches, with downloading 18-wheelers of frozen food cargo, of drilling holes in the wall, of inspecting it manually, of looking for other intelligence tips and then trying to pull aside the right vehicle out of these millions of POVs and rail cars: It simply will not work. In 1997, six truck or rail cars found with cocaine; in 1996, 16. There is just no reason why brute force will solve the problem.

We do believe that the technology—and I am going to talk about this—that you have deployed to the border will change the shape of the smuggling envelope. So I think that and the intelligence program, which are moving ahead, are going to make this a quite different viewpoint from the criminal organization effective in the coming years.

Now, if you will, let me also note that Congress recognized the problem 2 years ago. You instructed me in the 1999 Omnibus Appropriations Act to study the problem, along with the Secretary of the Treasury and the Attorney General; a review to include consideration of all Federal agencies' coordination with State and local law enforcement agencies, and to report back to you. We are going to comply with that law.

I have tasked the Interdiction Committee, which is chaired by Mr. Ray Kelly, the Customs Director—who I would argue is one of the best cops we have had in this country—to put together a comprehensive assessment of counterdrug efforts along the Southwest border, and present for inter-agency consideration an operational concept, a force structure, and a coordination mechanism that will address the issue.

Let me also tell you that we are aware that you have given us significantly enhanced resources. Just taking snapshots of what has happened in the last 4 years: You have upped the Customs budget for Southwest border programs by 72 percent. You have increased DEA special agents that we have been able to assign down there by a third. You have increased INS agents since fiscal year 1993 by more than 100 percent. We have doubled. The DOD drug control budget for the Southwest border has gone up 53 percent. The number of U.S. attorneys has gone up by 80 percent. So the manpower is starting to come online to get a handle on this problem.

I would argue, even more importantly, you have given us non-intrusive inspection technologies. And a lot of this material is new. It has only been down there in the last year or two. Until it is at all 39 border crossings, we are not going to have presented a wall of resistance to drug smuggling. But you do have eight fixed truck x-ray sites, and two mobile truck sites, and one fixed gamma-ray inspection system now deployed.

There are other efforts that we are now undergoing. And by the way, let me, if I may, quickly put in context that although Mexico is where the drugs, 55 percent of them, we say cross our frontier, that is not where a lot of it starts. If you want to find the center of gravity of the drug problem, it is Colombia, as you so well brought out in the last hearing we had here.

Eighty percent of the cocaine that enters America originated in, or transited through, Colombia. Probably, 70 percent or so of the heroin that we seized—and I underscore “seized”—originated in Colombia. And a good bit of the rest of it in Mexico, especially in the western half of the United States.

I underscore seizures because I think the percentage is that high because of good police work by the DEA and Customs in particular, and the Coast Guard, because it represents that higher proportion of the total heroin use. But they have focused on it.

There is the picture that evolves. The Defense Intelligence Agency does the cocaine flow analysis for us. I believe we now know what we are talking about, as we watch the movement of cocaine and heroin from the production area, through the transit area, into the arrival area. That picture is updated formally every 6 months.

Here is where we seized the drugs, and we get a lot of it. We should never disregard the impact of moving out of public consumption, literally, hundreds of tons of drugs: methamphetamines, heroin, marijuana, et cetera. Here is where it comes in. The Southwest border, as you are looking at it, accounts for half the drug seizures we make with Federal authorities.

A huge problem: What is the most dangerous drug problem in America? It is an American adolescent, probably in the 7th grade through about the 10th grade, who is involved in heavy use of marijuana, alcohol, and other drugs, inhalants, heroin, et cetera. We should not disregard the enormous destructive impact of significant use rates of cannabinoids in our society, and it is coming across the Southwest border. Some of it does not originate there. It comes out of Colombia or elsewhere; but it is crossing the border in record amounts. When you look at the seizure rates, it is almost unbelievable.

Methamphetamines: Arguably, the most destructive drug that we have ever seen in America. It started as a sort of a niche market, West Coast biker drug. It is now all across the country. It is a huge problem, obviously, in the Western States. It is now probably the major drug problem in the central part of America and it has hit the East Coast. It is all over Georgia and other places.

It is tremendously addictive and destructive of human development. It creates people who are extremely dangerous, in particular to law enforcement authorities. And unfortunately, it can be manufactured easily. The recipe is on the Internet. The compounds are

available in many pharmaceutical houses, and it is being manufactured all over the United States.

Literally, 2,000-some-odd cooking operations were taken down in the last 18 months. Now, a lot of these are “Beavis and Butthead labs”: a few grams, people cooking for their own use, for their friends. But it is an enormously destructive drug, not only to the individual using it, but to the family that is associated with its use or cooking, and to law enforcement authorities, and to the ecology.

And there are two major methamphetamine producing locations on the face of the Earth. One is Mexico; the other is California. It is also, of course, throughout the Midwest. And now it is showing up in Georgia and other places. That is where the seizures are.

Then heroin, finally: Although seizures are constant, that is more a reflection of the cunning of these criminal organizations, with this enormously valuable cargo. Heroin availability in the United States has never been greater. Purity has never been higher. The price is low, and American adolescents are unaware of the addictive and destructive potential of heroin, even when snorted or ingested.

A lot of our youngsters think that if you are not injecting it, it could not be all that dangerous—And correspondingly, we have seen in your district among others, an enormous death rate among American kids from this very potent form of heroin.

Finally, let me mention that we do have a series of initiatives that we are now working in the inter-agency process. There has been some first-rate cooperation, particularly Donnie Marshall and DEA, the INS team along the border, Ray Kelly in Customs, and others, and all the law enforcement agencies involved.

The HIDTA program, which Dennis Usrey will talk to you about, has been a great payoff. I would make one point, if I may, Mr. Chairman. These five Southwest border HDTAs tend to be in areas with extremely low population density. A lot of Americans do not live there. So a local sheriff’s department or police department has modest resources at their disposal.

As we find a major threat to the entire 270 million of us developing along the border, I would argue we need to provide Federal resources to back up these local and State authorities, because they are acting on behalf of all of us as a law enforcement shield on that border. And they are simply being overwhelmed.

When I say that, I do not mean just the sheriff’s department. I also mean the prosecutor, the local detention facilities, et cetera. Our prosecutorial guidelines now, with this level of drug smuggling, have gone up to the point where, literally, at 500 pounds of marijuana and below this is a “Turn it over to State and local authorities” situation. We are going to have to provide them meaningful levels of support. I am going to ask Congress to seriously consider substantial increases in funding for the five Southwest border HDTAs.

Bullet No. 2, the Border Coordination Initiative, you will learn more about this by talking to Treasury and Justice representatives. The BCI initiative is an attempt to get 23 Federal agencies and four major departments of government to operate more coherently at the border. It took two of those departments, Treasury and Jus-

tice, and gave them coequal coordinators and a plan to manage their affairs at the 24 ports of entry.

I applaud the initiative. I think it is going to be extremely helpful. But I must be unequivocal in saying it is an inadequate approach to providing a coherent Federal management response, in my judgment, either at the POEs, in the four border States, or across the border in general.

One of the major failures is it still does not give local and State law enforcement a single point of contact in their sector that they can go to and expect to get intelligence support and operational responses. And I think, if you talk to local law enforcement, which I do up and down that border continuously, they feel our efforts in support of their very courageous defense of their own counties is inadequate.

Now, that even includes things like intelligence. We have the best intelligence in the world now coming online at EPIC, the El Paso Intelligence Center. But it does not connect reliably to sheriffs and police chiefs along that 2,000-mile border.

No. 3, the Port and Border Security Initiative: That is up, and moving forward. I think it is going to have a big payoff. The bottom line is, use technology cued into intelligence, and you will find the drugs. There are some spectacular successes, particularly at the Miami port of entry; New York; Eagle Pass, TX; El Paso—some really excellent work going on.

We have talked about harnessing technology. I think Congress is giving us the tools to do our job now.

Drug control cooperation with Mexico: It is going to be a challenge; there is no question. I have included in your packet the "U.S.-Mexico Drug Cooperation Strategy." We are working closely with Attorney General Madrazo, with Minister Cervantes. There are extraditions taking place. There have been nine this year for murder, drug related crimes, et cetera. They are trying to create a new counterdrug police agency. They have put their own efforts into a vetting system, so that their agents are polygraphed, drug tested, and financially over-watched.

But having said that, it is clear to all of us that this is a generational effort for Mexico to create law enforcement agencies and a criminal justice system that is responsive to their own needs. They are doing a lot better, when you talk to these law enforcement officers, in cooperating with U.S. authorities on murder, or cross-border car theft. But when it comes to drugs, the money and violence associated with drugs is so intense that it provides a special limitation on our ability to work across that border.

The counterdrug architecture, bullet No. 6, refers to intelligence coordination inside U.S. ranks. I think we are moving in the right direction. We have some more work to do, but I think now, between Director Tenent, Attorney General Reno, and I, we do have a scheme to move forward and be more responsive to our law enforcement counterparts.

Finally, I think we ought to expect a lot out of public-private partnership. At the end of the day, we encourage the cross-border economic traffic. So you can have trusted travelers, trusted corporations, who invest in their own counterdrug programs at the factory site: that the inspection process is understood to take into

account not just crossing the border, but from the time that truck is loaded in Mexico, all the way to its delivery point; and that you have technology now that will allow these vehicles to cross the border with machine-read license plates, with registered drivers; and where the corporation puts at risk this very good economic opportunity if they are caught not searching out and preventing drug smuggling. I think we are going to see a lot come out of this in the future, where business will be asked to pay for the enhanced economic cross-border activity.

Finally, this is just a summary of some of the inspection systems that are going into place. I think they are beginning to pay off. But again, what the drug criminal organizations are doing is reading the battlefield with enormous effectiveness. When we do something that does not work, they ignore us. When we do something that does work, they adapt. And what they are doing now is going around the systems we are putting into place. That does not mean they are not working; they are. But it does mean that there will have to be a seamless web, not based on raw manpower, but on intelligence and technology up and down this border.

There are some holes in this entire system. We still, in my view, have inadequate support to some sub-elements of the system. One of them is the U.S. Marshals Service. They are handling enormously increased requirements now based on drug smuggling, and I do not believe they have the manpower or the Federal transfer centers to support this Southwest border effort. We are going to have to think very carefully about that.

Mr. Chairman, thank you very much for the opportunity to appear before your committee, and I look forward to answering your questions.

[The prepared statement of Mr. McCaffrey follows:]

**Statement by Barry R. McCaffrey
Director, Office of National Drug Control Policy
Before the House Committee on Government Reform,
Subcommittee on Criminal Justice, Drug Policy, and Human Resources**

The Drug Threat along the Southwest Border

September 24, 1999

All of us in the Office of National Drug Control Policy thank the Committee for the opportunity to testify today about the drug threat along the Southwest border (SWB). Chairman Mica, Representative Mink, distinguished members of the subcommittee, your interest in all aspects of drug control policy and your commitment to bipartisan support of the *National Drug Control Strategy's* important fourth goal - *Shield America's air, land, and sea frontiers from the drug threat* - are much appreciated.

More effective drug-control operations along the vulnerable SWB are essential to decreasing the incidence of illegal drug use throughout the United States. Although the SWB is where most of the drugs cross into the United States, their ultimate destination is the heartland of America, the cities, suburbs, and rural communities across the country where the drugs are retailed in local markets. By curtailing the flow across the SWB, we in fact decrease the prevalence of drugs throughout the United States and greatly reduce the corruption and violence that threaten communities on both sides of the border.

In August 1997, an ONDCP assessment of drug control challenges along the SWB concluded: "... much remains to be done. For example, added inspection resources have not increased our ability to adequately screen trucks. Last year about 900,000 (about a quarter of the total) U.S.-bound trucks were subjected to drug control inspections. Cocaine was found in just sixteen. ***Our current interdiction efforts almost completely fail to achieve our purpose of reducing the flow of cocaine, heroin, and methamphetamines across the border.*** We need to shift from a manpower/physical inspection approach to one that is intelligence-driven and that employs emerging technologies to conduct non-intrusive searches." This statement will highlight what we've accomplished in the past two years and the programs/initiatives in place.

Congress' interest in better-coordinated drug-control efforts along our borders was articulated in Public Law 105-277 (Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999). Section 629 (1) states "...the Director of the Office of National Drug Control Policy, The Secretary of Treasury, and the Attorney General shall conduct a joint review of Federal efforts and submit to the appropriate congressional committees, including the Committees on Appropriations, a plan to improve coordination among the Federal agencies with responsibility to protect the borders against drug trafficking. The review shall also include consideration of Federal agencies' coordination with State and local law enforcement agencies."

Part I of this testimony outlines **drug-control problems** along the Southwest border (SWB). **Part II** presents **ideas for improved coordination** among federal, state, and local law enforcement agencies along the SWB. **Part III** summarizes **initiatives to make it increasingly difficult for illegal drugs to flow through Mexico to the United States**.

PART I – Drug-Control Problems along the Southwest Border

- **The Environment:**

(1) **The Southwest Border is the major entry route for illegal drugs.** The majority of the cocaine on our streets and large quantities of heroin, marijuana, and methamphetamine sold in the United States come across the SWB. These drugs enter by all modes of conveyance for eventual distribution throughout the United States. They come through ports of entry by car, truck, train, and pedestrian border-crossers. They come across the open desert in armed pack trains as well as on the backs of human “mules.” They are tossed over border fences from urban locale to urban locale, then speeded away surreptitiously by foot and vehicle. Planes and boats find gaps in U.S./Mexican coverage and position drugs close to the Southwest Border for eventual transfer to the United States. Small boats in the Gulf of Mexico and the eastern Pacific also seek to outflank U.S. interdiction efforts and deliver drugs directly to the United States. Finally, traffickers will seek to exploit incidences of corruption in U.S. local, state and Federal border agencies to route illegal drugs and other contraband between our two nations. However, it is a tribute to the vast majority of U.S. Federal, state, and local officials dedicated to the anti-drug effort that their service is overwhelmingly characterized by dedication, integrity, courage and respect for human rights.

1999 Trafficking Trends. During the first half of 1999, the Southwest Border continued to be the primary route through which cocaine was smuggled into the United States. Approximately 55 percent of the cocaine coming from source countries is estimated to pass through the Central America/Mexico and then into the U.S. across the SW Border. This is about the same as for the past three years. About 19 metric tons (MTs) of cocaine were seized along the U.S.-Mexico border during the first half of 1999 -- an increase of about 50 percent over the previous six months. A large portion (about 9 MTs) of the cocaine was seized in South Texas. Smuggling through ports of entry continued to be the primary route, but there has been an increase in the amount of cocaine seized between the ports of entry, particularly in South Texas.

Traffickers continue to use all forms of transportation (private automobiles, commercial trucks, and to a much lesser extent, rail) to smuggle through the ports of entry. The amount of commercial cargo crossing the border continues to increase, creating an increased vulnerability for law enforcement/inspections. During the first half of 1999, there was an increase in the amount of cocaine seized from trucks/commercial cargo at the ports of entry. In earlier periods, most of the seizures from trucks/ commercial cargo occurred at the Border patrol checkpoints or along highways in the vicinity of the SW border.

Cocaine seizures in Mexico will probably be higher in 1999 than in 1998 due primarily to two major multi-ton (about 7 and 9 MTs) that were carried out by the Mexican navy (supported by the U.S.) off the west coast of Mexico. These seizures are a strong indicator that significant amounts of cocaine continue to find their way to Mexico for further shipment to the United States.

- (2) Challenges posed by SWB.** Drug traffickers exploit extensive legitimate commerce and traffic at the busiest border in the world. In 1998, 278 million people, 86 million cars, and four million trucks and rail cars entered the United States from Mexico through thirty-nine crossings and twenty-four ports of entry (POEs). Indeed, most of the more than one hundred billion dollars of trade that makes Mexico our 2d-largest trading partner crosses the SWB. Illegal drugs comprise but a tiny fraction of this commerce, but cause a disproportionate amount of damage to both countries.

Rapidly growing commerce between the United States and Mexico will further complicate our efforts to keep drugs out of cross-border traffic. Since the Southwest border is presently the most porous part of the nation's borders, it is there that we must mount a determined coordinated effort to stop the flow of drugs. At the same time, we cannot concentrate resources along the Southwest border at the expense of other vulnerable border regions. Traffickers follow the path of least resistance and will funnel the flow of drugs to less defended areas.

In addition to those people who lawfully cross the border, countless other people cross the border illegally, many carrying unlawful drugs or other contraband. Traffickers exploit the border's length (3,326 kilometers), remoteness, ruggedness, and diversity. The diverse terrain includes: urban sprawl that straddles both sides of the international border; hostile, remote, and vast deserts; easily passable terrain (like the Rio Grande); vulnerable air space; and exploitable maritime routes. Multiple jurisdictions on both sides of the international border exacerbated by the presence of four major urban complexes further complicate organized, coherent efforts to control the border. The centuries-old tradition of smuggling and illegal migration feeds this region's porosity to illegal drugs.

- (3) The Southwest Border is more an area of confluence than a line of demarcation.** The political boundary between two sovereign and democratic nations should not be a barrier to open, cooperative, and mutually beneficial relations between two peoples. The Southwest Border holds every opportunity for a rich and prosperous confluence of two energetic and symbiotic cultures. Both Mexico and the United States can draw from the other to better both nations' way of life.

The essential principle – which must be shared on both sides - is the rule of law. Both peoples insist on it; both peoples deserve it. Furthermore, since the majority of law derives from national choice – as opposed to international agreement – we must preserve due respect for the sovereignty of nations. A sovereign nation must determine and control under what conditions people and goods may enter into the territory under its authority.

The border between the United States and Mexico is unique. Our two nations share core values that include love of country, strength of family, respect for the law, and a willingness to work hard in order to procure a decent and dignified livelihood. There is no room within our shared values for the corruption and ruin that comes with the illegal drug trade.

- **Evolution of the Drug Problem.** Drug traffickers, along with smugglers in general, have long seen the Southwest Border as a natural entry point to the United States because of the relative ease with which the movement of contraband from nation to nation can occur.
- (1) **Cocaine.** When the cocaine epidemic surged in the 1970s, the preferred route for trafficking cocaine was from Colombia through the western Caribbean. Traffickers used to fly twin-engine civil aviation aircraft from Colombia to small islands in the Bahamas and then airdrop drugs into either Florida or our coastal waters for subsequent pick-up by fast boats. Their success was predicated on the “big sky” or “big ocean” theory and on our inadequate detection and monitoring capabilities. In response to this challenge, United States drug-control program agencies substantially increased personnel assigned to the border region and developed extensive detection and monitoring capabilities to sort legitimate air and maritime traffic from illicit drug traffic. As our interdiction organizations and strategies became more effective, drug traffickers changed their routes and modes of transportation in response. Mexico and the Southwest Border became the principal route for cocaine.

Land conveyances, including tractor-trailers, cars, recreation vehicles, and trains, crossing at Southwest Border ports of entry are the primary means used to smuggle cocaine into the United States from Mexico. Cocaine is also carried across the U.S. - Mexican border by foot, by backpackers and by animal caravans as well as over and under the border by air and by tunnel. Transnational trafficking organizations employ high-technology equipment including night-vision goggles and radios with scramblers, as well as military hardware such as assault rifles, and bulletproof vests. These criminal groups also use scouts with radios and scanners tuned to police frequencies to monitor drug law enforcement activities along the border.

Cocaine trafficking organizations operating from Colombia employ groups based in Mexico to smuggle a significant proportion of the cocaine supplied by the drug cartels across the SWB. These groups are typically made up of polydrug traffickers with extensive experience in smuggling drugs across the SWB. Frequently, the groups receive a percentage (up to 50 percent) of the cocaine shipments in exchange for their services. This has enabled them to become wholesale sources of supply for cocaine available in many western and mid-western U.S. cities such as Chicago, Denver, and Detroit.

- (2) **Heroin.** Since the late 1970s, heroin produced in Mexico has been readily available in the United States, primarily in the West. Heroin trafficking in Mexico is controlled by transnational heroin trafficking groups operating between Mexico and the United States. These organizations control the cultivation, production, smuggling, and distribution of

the drug. Heroin produced in Mexico - either in black tar, or brown powder form - is the predominant type of heroin available in the western half of the United States.

Most of the heroin produced in Mexico is destined for the U.S. market. Black tar and brown heroin are produced by traffickers operating from Mexico and sold by transnational networks operating within both countries. These trafficking organizations have been involved in smuggling heroin, cocaine, and marijuana for decades. In addition, these transnational organizations take full advantage of well established, extended networks to distribute heroin throughout the western United States. These criminal groups also control distribution at the wholesale level. They are not generally involved in street sales that often are managed by local distribution groups.

- (3) **Methamphetamine.** Over the past few years, international organized crime groups have revolutionized the production and distribution of methamphetamine by operating large-scale laboratories in Mexico and the United States (in particular Southern California) capable of producing unprecedented high-purity quantities of the drug. These organizations have saturated the western and mid-west U.S. market with methamphetamine. The amount of methamphetamine seized in transit from Mexico to the United States increased dramatically beginning in 1993. In 1993 and 1994, 306 and 692 kilograms, respectively, were seized in the United States along the border. During 1995, 653 kilograms were seized. By comparison, only 6.5 kilograms were seized in 1992.

The major methamphetamine trafficking organizations operating in Mexico and the United States regularly demonstrate their flexibility and adaptability, modifying smuggling routes and methods as needed to ship drugs into the United States. The primary points of entry into the United States for methamphetamine produced in Mexico are San Ysidro and Otay Mesa, California. The most common method of transporting methamphetamine across the border is via passenger vehicle.

- (4) **Marijuana.** Marijuana from Mexico (either grown in Mexico or transshipped through Mexico from other source countries such as Colombia) accounts for a significant proportion of the marijuana available in the United States. Most of the marijuana smuggled into the United States across the Southwest Border is concealed in vehicles - often in false compartments - or hidden in shipments of legitimate agricultural products. Marijuana is also smuggled across the border by horse, raft, backpack, and sporadically by private aircraft. Shipments of 50 kilograms or less are smuggled by pedestrians who enter the United States at border checkpoints, and backpackers alone or in "mule" trains who cross the border at more remote locations. Larger shipments, ranging up to multi-thousand kilogram amounts, usually are smuggled in tractor-trailers or rail cars.

- **The coordination challenge.** The individual policy formulation, resource allocation and operational activities of all federal drug-control program agencies support the goals and objectives of the *National Drug Control Strategy*. There are also effective interagency coordination initiatives, such as the Department of Justice-Department of Treasury Border

Coordination Initiative, the multi-agency Southwest Border Initiative, the Organized Crime Drug Enforcement Task Force (OCDETF) program, and the Special Operations Division for coordination the region. In ONDCP's view, however, we can always improve coordination of strategic objectives to produce the desired results along this vulnerable border. The departments and agencies with border control responsibilities are moving to achieve this improvement.

Presently, there are five departments concerned with drug control-related issues in the Southwest border region: Treasury (drug interdiction, anti-money laundering and anti-firearms trafficking); Justice (drug and immigration enforcement, prosecutions); Transportation (drug interdiction); State (counter-drug cooperation with Mexico); and Defense (counter-drug support), with Treasury and Justice having principal border control responsibilities.

Drug intelligence is currently provided by individual departments, as well as by organizations such as Director of Central Intelligence's Crime and Narcotics Committee (CNC), the El Paso Intelligence Center (EPIC) and National Drug Intelligence Center (NDIC). In addition, ONDCP oversees the Southwest Border High Intensity Drug Trafficking Area (HIDTA) that encompasses the entire 2,000-mile border one to two counties deep. The SWB HIDTA is divided into five regional counter-drug partnerships of federal, state and local enforcement agencies. With the exception of DEA, the counter-drug mission for all federal agencies is not the sole core mission.

- **The federal response.** There has been substantial reinforcement of federal drug-control efforts along the SWB. During the past six years, the administration has significantly increased the federal presence along the SWB. For example: Customs' budget for Southwest Border programs has increased 72 percent since FY93; the number of assigned DEA special agents has increased 37 percent since FY90; the number of assigned INS agents has almost doubled since FY90; DOD's drug control budget for the Southwest Border has increased 53 percent since FY91; and the number of Assistant U.S. Attorneys handling cases in the Southwest Border region has increased by 80 percent since FY90.
- **PART II – Ideas for Improved Coordination**

The problems our law enforcement officials face in stemming the flow of drugs across the Southwest border are significant but not insurmountable. Twenty-three separate federal agencies and scores of state and local governments are involved in drug-control efforts along our borders, air, and seaports. Improved coordination can ensure unity of effort from national policy to state and local levels with case-centered criminal investigations. The departments of Justice and Treasury and other agencies with responsibilities along the Southwest border continue to enhance their collective capabilities in this vulnerable region to achieve this result. Timely dissemination of information can allow agencies to target trafficking organizations more effectively. An ongoing review of the counterdrug intelligence system is addressing this requirement.

All cross-border movements are subject to inspection. We cannot, however, paralyze commerce and travel to search for contraband. Non-intrusive inspection technologies that are cued to high-risk cargo by intelligence are being deployed to keep drugs out of legal commerce. Access roads, fences, lights, and surveillance devices can prevent the movement of drugs between ports of entry while serving the legal, economic, and immigration concerns of the United States, Canada, and Mexico. We must continue to make appropriate staffing investments to ensure adequate numbers of trained, adequately paid, and well-equipped inspectors, agents, investigators, and prosecutors. In 1998, for example, the Border Patrol hired a thousand additional agents. We must ensure adequate staffing resources throughout the entire border security system.

On September 7, the Director met with The Interdiction Committee to share his assessment of interdiction challenges facing the United States in source, transit, and arrival zones. The Interdiction Committee discussed with the Director the tasking in the *Classified Annex to the International Drug Control Strategy* to develop an arrival zone interdiction plan. As a result of these discussions, the TIC agreed to:

- Develop a comprehensive threat and operational assessment for the Southwest border within six months that will include discussion of international trafficking organizations, routes, and methods moving illicit drugs across the Southwest Border.
- Complete as soon as possible thereafter a comprehensive interagency plan for the Southwest Border that is responsive to the threat and that includes recommendations on operational concepts and improvements in coordinating structures.

The TIC will provide these recommendations to the Attorney General, the Secretary of Treasury, and the Director ONDCP by next Summer.

ONDCP has tabled the following eight issues for interagency consideration:

1. **The need for threat-based operations.** Available information about the drug threat is fragmented and incomplete. It is difficult to obtain a succinct, up-to-date assessment of the drug threat either along the entire border or in any specific state or sector. Too often inspectors and other drug law enforcement agents are operating without up-to-date tactical intelligence. We must construct a system that anticipates trends, projects actions by drug-trafficking organizations, and that allocates resources accordingly. This is true not only at the tactical level (i.e., within individual POEs) but also across the entire border. This is a priority issue under consideration as part of the counterdrug intelligence architecture review.
2. **The need for greater drug-control effectiveness.** Although we have been introducing additional inspection resources at the border over the past several years, we have not reliably increased our ability to screen trucks and other large conveyances. In 1997, we inspected 1.09 million of the 3.54 million commercial trucks and railcars that crossed into the US from Mexico. In just 6 incidents, cocaine was found within the commercial cargo contained by these trucks and railcars. The challenge is to develop the indicators that will lead to a higher probability of contraband discovery per vehicle checked. The greater the confidence we have

in selecting the appropriate vehicles for inspection, the more effective we can be in starving the drug trade, while at the same time allowing legal commerce to speed to market. The inspection process must be supported by intelligence-driven processes, which employ emerging technologies to conduct non-intrusive searches.

3. **The need for improved drug-control coordination.** Twenty-three separate federal agencies and scores of state and local governments are involved in drug control efforts along our borders, air, and seaports. Improved coordination can ensure unity of effort from national policy to state and local levels with case-centered criminal investigations.
4. **The need for drug-control synchronization.** As Federal drug-control agencies reinforce their efforts, they must consider the effects of their actions on other Federal, state, and local agencies. Too much or too little emphasis on any component of the overall drug control effort without corresponding adjustments elsewhere detracts from overall effectiveness. For example, increasing the number of inspectors and agents without a corresponding increase in capabilities within the prosecutorial and detention systems can create system overload. For example, increasing the number of inspectors and agents without a corresponding increase in capabilities within the prosecutorial and detention system can create system overload. The Nation's criminal justice is currently experiencing this overload -- court dockets are oversubscribed, U.S. Marshals and guards are stretched, and the Nation's prison system is overcrowded by an estimated 31 percent. This Administration has, and with the support of Congress will continue to, make law enforcement a top funding priority both for front-line law enforcement and for the essential prosecution and detention functions -- without which front-line law enforcement becomes a hollow threat. Ensuring the proper component balance and capabilities along the Southwest Border is a matter of intense and continuing management and oversight by the Justice Management Division and the Attorney General.
5. **The need for more drug-control inspection capability.** Even as commerce and movement between the United States and Mexico has rapidly expanded in recent years, the Federal ability to properly screen all movement has not increased commensurately. Federal resources do not have to increase in proportion to the number of movements. Federal technical capabilities, however, must stay abreast of the requirement to prevent drugs from being hidden among increasing cross-border traffic.
6. **The need for good U.S. - Mexico drug-control bilateral relations.** The United States has been blessed with peaceful relations with its two North American contiguous neighbors throughout the majority of its history. Seldom have nations lived in such harmony along such expansive borders. But the relations between sovereign nations cannot be taken for granted. Only through dignified and proper relations that evince respect for sovereignty can we hope to preserve the beneficial contacts that have long endured. The great common ground we have with Mexico in regard to the illegal drug trade is the recognition that neither country can tolerate wanton violation of the rule of law. Neither society can tolerate the ruin and destruction that the drug trade brings. We must build on this mutual recognition and forge relationships that allow us to develop common purpose in reducing the demand for drugs and foiling criminal traffickers.

7. **The need to confront drug corruption.** America is well served by its dedicated law enforcement officers. Selfless service, physical courage, devotion to duty and integrity mark the record of their accomplishments. However, a society that spends more than fifty billion dollars on illegal drugs produces corruption on both sides of the border. Individual corruption is always a possibility. Left unchecked, it can lead to systemic corruption. It is necessary on both sides of the border to create a system of checks and balances to guard against corruption. The men and women of U.S. law enforcement who work so diligently to uphold the law and the people they serve deserve such supporting anti-corruption mechanisms. Southwest Border HIDTA Partnerships, Southwest Border Anti-Corruption Task Forces, multi-agency efforts combining FBI, DEA, USCS, the DOJ Office of Inspector General, the agencies' internal affairs offices, and the federal prosecutors, have been established to confront this threat on the U.S. side of this border.
8. **The need to integrate related drug-control issues:**
 - (a) **International Trade.** We are a trading nation. The importance of free trade across our borders cannot be overestimated. We must stop drugs. However, we must continue to facilitate the free exchange of goods, which forms the underlying basis of our economy.
 - (b) **Immigration.** Any effort to better coordinate federal counter-drug efforts along the Southwest Border will simultaneously affect federal immigration-control efforts. Presently, the Border Patrol estimates that 18 percent of its activities have a drug nexus. Drug-trafficking organizations capitalize on the illegal flow of people to camouflage and transport drugs. Any effective drug-control regime must also stop the uncontrolled movement of people moving money, drugs and weapons across the Southwest Border in both directions.
 - (c) **Arms trafficking.** The illegal drug trade also generates a demand for weapons in both Mexico and the United States. The demand for illegal weapons in Mexico is essentially satisfied through the illegal exportation of weapons from the United States and other nations. Federal drug-control efforts must also address this problem and appropriately support Government of Mexico efforts to stem the illegal flow of weapons from the United States to Mexico.
 - (d) **Money laundering.** One of the most pernicious effects of drug trafficking is the way in which money laundering distorts the economy of affected areas. Federal drug control efforts must deny traffickers the profits of their trade to both deter trafficking as well as to safeguard legitimate business.

PART III – Seven Initiatives To Improve Drug Control Efforts Along the Southwest Border

The following seven initiatives will make it increasingly difficult for illegal drugs to flow through Mexico to the United States across the Southwest border.

1. **The Border Coordination Initiative.** The Department of Justice and the Department of Treasury and their subordinate enforcement agencies with responsibilities along the Southwest Border continue to enhance their collective capabilities in this vulnerable region. Recognizing a number of existing shortcomings in law enforcement on the SWB, both departments developed an alternative plan in September 1998. The centerpiece of this Joint Justice/Treasury plan is the Border Coordination Initiative (BCI).

The Border Coordination Initiative is based on the proven success of the Customs and INS Port Management Model, pioneered in San Ysidro, California, and calls for specific changes and improvements in port coordination, in intelligence, and in enforcement along sectors between ports. BCI has the additional benefit of building on the efforts of the two agencies (Customs and INS) most clearly responsible for the security of the Southwest Border, without complicating reporting or support relationships.

Port Management. A Customs and INS Port Management Model that will streamline enforcement, traffic management, and community partnership plans at each of the SWB's twenty-four POEs.

Investigations. A unified strategy for SWB seizures that capitalizes on investigative enforcement operations at and between POEs and the dissemination of investigative intelligence to enhance inspections.

Intelligence. Joint intelligence teams staffed with personnel from Customs and INS with enhanced local intelligence collection and intelligence products focused on drug interdiction, illegal aliens, currency, and document fraud.

Technology. A joint technology plan to capitalize on future technology advances while making better use of existing capabilities.

Communications. Inter-operable, secure, mutually supportive, wireless communications through coordinated fielding, joint user training, compatible systems, and shared frequencies.

Aviation and Marine. Joint air interdiction operations and the identification of opportunities to share air and marine support facilities.

2. **The High Intensity Drug Trafficking Area (HIDTA) Program.** HIDTAs are regions with critical drug-trafficking problems that harmfully affect other areas of the United States. These locations are designated by the ONDCP Director in consultation with the Attorney General, heads of drug-control agencies, and governors. There are currently thirty-one HIDTAs, including five partnerships along the Southwest border. HIDTAs assess regional drug threats, design strategies to address the threats, develop integrated initiatives, and provide federal resources to implement these initiatives. HIDTAs strengthen America's drug-control efforts by forging partnerships among local, state, and federal law enforcement

agencies; they facilitate cooperative investigations, intelligence sharing, and joint operations against trafficking organizations.

3. **Port and Border Security Initiative.** This initiative seeks to reduce drug availability by preventing the entry of illegal substances into the United States. The initiative covers all U.S. ports-of-entry and borders but focuses on the Southwest border. Over the next five years, this initiative will result in appropriate investments in Immigration and Naturalization Service (INS) inspectors and Border Patrol agents, Customs' agents, analytic, and inspection staff, improved communication and coordination between Customs and INS, employment of advanced technologies and information management systems, and greater U.S.-Mexico cooperation.
4. **Harnessing Technology.** Technology is an essential component in the effort to prevent drug smuggling across our borders and via passenger and commercial transportation systems. Technology can help stop drugs while facilitating legal commerce. Automated targeting systems can analyze databases to assess the likelihood that a particular individual, vehicle, or container is carrying drugs. Non-intrusive inspection devices can detect drugs; X-ray systems inspect the inside of cars, trucks, or containers while high energy neutron interrogation systems measure the density of tires, fuel tanks, panels, and cargo. Technology can also prevent trafficking in unoccupied spaces. The Immigration and Naturalization Service's Integrated Surveillance Information System/Remote Video Surveillance (ISIS/RVS) project, for example, is improving the Border Patrol's effectiveness between ports of entries along the Southwest border. This initiative will increase inspection capabilities at all vulnerable ports of entry.

Technologies are being developed for improved intelligence to disrupt drug trafficking organizations and for advanced non-intrusive inspection systems to interdict shipments before they enter the United States. ONDCP's Counter-Drug Technology Assessment Center (CTAC) has established a Counterdrug Technology Transfer Program (TTP) to demonstrate the impact and benefit of advanced systems developed for the operational inventories of the Federal law enforcement agencies to state and local law enforcement organizations.¹

Congress has appropriated twenty-six million dollars in the past two fiscal years (FY98 & FY99) for TTP. CTAC has delivered 892 pieces of equipment to 631 state and local law enforcement agencies. The Southwest border states of California, Arizona, New Mexico, and Texas have been provided 262 pieces of equipment as shown in [Table 1](#). To ensure the greatest benefit to these agencies, the TTP also provides users hands-on training and limited maintenance support to all recipients.

The technologies being offered were readily integrated into the operations of these state and local agencies and have contributed to improved counterdrug operations. The result has been an increase in drug-related arrests with a dramatic improvement in officer safety at each agency. It was found that in many small jurisdictions, the departments could not have obtained the transferred technology without the assistance provided by this program. The

¹ The FY1998 appropriation for ONDCP directed CTAC to establish the Counterdrug Technology Transfer Pilot Program (TTP).

typical police department spends eighty-five percent of its budget on salaries and personnel costs; the remainder is allocated for vehicles, fuel and equipment. That leaves almost nothing for state-of-the-art technology. The comment of one officer that "the only way we could get this kind of technology was to win the state lottery!" succinctly summarizes the success of the program. The technologies provided by the program have been reported to be crucial to the safety of the community with respect to combating illegal drug use.

Based on the level of requests received for technologies so far, we project that the program will receive 1,000 requests for equipment from 350 agencies over the next year. The experience gained during the previous 18 months in working directly with LEAs in the TTP has confirmed that most agencies, regardless of size, can more effectively address their challenges by deploying the counterdrug technologies and training offered by this program. To that end, there continues to be a deficit in the technological capabilities of LEAs nationwide. To address the deficit, an expansion and continuation of the program would place much-needed technology in the hands of front-line officers, investigators, and analysts in the LEAs.

TABLE 1 – TRANSFERS BY CTAC’S TECHNOLOGY TRANSFER PROGRAM

Technology	Total	SW Border
Tactical Tools to Support the Officer		
Drugwipes - Surface residue drug test kit	169	67
Body Worn - Miniaturized covert audio device	81	21
Mini-Buster/ Mini-Buster Probes - Portable contraband detection kit/ fiber optic probes associated with the portable contraband detection kit	153	64
Small Look - Miniaturized video surveillance system	55	14
Thermal Imager (Handheld, Lenses, and Vehicle) – Handheld infrared imaging surveillance system; lenses associated with the infrared imaging surveillance system; vehicle mounted Infrared imaging surveillance system	320	76
Vapor Tracer - Drug detection and identification instrument	50	0
Complex Case Building Systems		
AG-SMS - Air and/or ground covert vehicle tracking system	19	9
Borderline - Telephone intercept monitoring and recording system for Title III investigation	10	2
Data Locator – Client/server package that provides secure sharing of law enforcement data and intelligence	1	0
GLADYS – Software used to analyze phone/cellular billing records	0	0
Money Laundering Software - Software used to detect suspicious financial transactions	8	2
Signcutter - Covert vehicle tracking system with mapping display	14	4
TACSCAN – Voice identification system	5	0
Video Stabilization - Video image enhancement system	6	2
Wireless Interoperability - Interagency radio communications system	1	1
a) Total	892	262

Off-the-shelf technologies, including canines and hand-held drug detectors, have been deployed successfully along the Southwest Border with funding provided to U.S. Customs Service last year. Since CTAC was established, Department of Defense and U.S. Customs Service have been working with CTAC to develop and test advanced non-intrusive inspection (NII) technologies to rapidly inspect vehicles and containers for drugs at the port of entry with a special emphasis on the Southwest border. These systems employ x-ray, gamma-ray and neutron interrogation technologies. Current Southwest border deployments of large scale NII systems are:

- ✓ Eight fixed truck x-rays at Otay Mesa (CA), Calexico (CA), Pharr (TX), El Paso (TX), Ysleta (TX), Nogales (TX), Laredo (TX) and Brownsville (TX).
- ✓ Two mobile truck x-rays at Laredo (TX) and Brownsville (TX).
- ✓ One fixed gamma ray inspection system (VACIS) at Santa Teresa (NM).

Customs has developed a five-year technology plan for the entire Southern Tier. The plan includes the following systems along the Southwest border:

State	Mobile Truck X-ray	Rail Gamma (VACIS)	Vehicle Gamma (VACIS)	High Energy Truck X-Ray	High Energy Heavy Pallet X-ray	Total
CA	7	2	6	2	4	21
AZ	7	1	3	1	1	13
NM	2		1			3
TX	18	5	12	6	10	51
Total	34	8	22	9	15	88

- 5. Drug control cooperation with Mexico.** The governments of the United States and Mexico both recognize that international drug trafficking and related crimes extend beyond national boundaries and exceed the capacity of any nation to face them in isolation. At their meeting in May 1997, presidents Clinton and Zedillo agreed to produce a common anti-drug strategy to set forth clear binational goals and signed a Declaration of Alliance. The U.S. - Mexico High Level Contact Group (HLCG) released a *US-Mexico Bi-National Drug Strategy* in February 1998, which identifies 16 major areas of cooperation. To implement this strategy, we have established working groups on Demand Reduction, Money Laundering, Arms Trafficking, and Chemical Control. To support the strategy, we have identified 147 supporting performance measures of effectiveness (PME's). Tangible examples of this ongoing cooperation follow:

- ✓ With support from ONDCP and SAMHSA, community anti-drug coalitions along the US/Mexico border are working with colleagues in Mexico to reduce substance abuse.

For example: The San Diego County, Border Project worked with Tijuana authorities to reduce the incidence of San Diego teens traveling to Tijuana to drink by almost 32 percent.

- ✓ NIDA is developing a binational Website so that American and Mexican researchers and substance abuse experts can exchange information, post new research, and keep one another updated.
 - ✓ A new “substance abuse” working group has been added to the US/Mexico Binational Commission (BNC).
 - ✓ Last year, our Department of Education sponsored two regional conferences (Yuma, AZ and San Diego) where educators and researchers from the US and Mexico shared information about effective drug and violence prevention programs.
 - ✓ The first U.S.-Mexico Demand Reduction Conference was held in El Paso, Texas, March 18-20 1998. A second conference was held June 23-25, 1999 in Tijuana, Mexico. A third conference will be held next April in Tucson Arizona. These conferences bring together prevention and treatment experts and reinforce cross-border demand reduction cooperation. Recommendations from the first conference were translated into PMEs for the binational U.S. – Mexico drug control strategy.
 - ✓ CSAP has created a new Southwest Border Center for the Advancement of Prevention Technology – to transfer knowledge about effective prevention strategies to states and communities along the border, integrating research from both US and Mexico.
6. **Review of Counterdrug Intelligence Architecture.** Drug intelligence and information collection, analysis, and dissemination are essential for effective drug control along the Southwest border. An extensive interagency review of counterdrug intelligence activities was conducted during 1998 under the auspices of the secretaries of Defense, State, Transportation, and Treasury, the Attorney General, the Director of Central Intelligence, and the Director of National Drug Control Policy. The review suggested how federal, state, and local drug-control efforts could be better supported by drug intelligence and law-enforcement information. An interagency plan is being drafted to implement the recommendations that resulted from this comprehensive review.
 7. **Working with the Private Sector to Keep Drugs Out of America.** Agreements with the private sector can deter drug smuggling via legitimate commercial shipments and conveyances. As the primary drug-interdiction agency at ports of entry, the U.S. Customs Service is implementing innovative programs like the air, sea, and land Carrier Initiative Programs (CIP), the Business Anti-Smuggling Coalition (BASC), and the Americas Counter-Smuggling Initiative (ACSI) to keep illegal drugs out of licit commerce. These initiatives have resulted in the seizure of 168,000 pounds of drugs since 1995.

CONCLUSION

The flow of drugs across the Southwest Border has not been significantly curtailed despite tactical success that have caused changes in smuggling routes and techniques. Drug trafficking and violence remain persistent and there are growing threats to border region residents. The obstacles our law enforcement officials face in stemming these threats are significant, but they are not insurmountable. Our substantial investments along the Southwest Border are beginning to pay off. Future success is dependent on adjusting existing drug-control organizations to better support ongoing federal, state, and local law enforcement efforts. Harnessing emerging technology is a must.

The Southwest Border is the principal avenue for illegal drug trade into our country. We must anticipate that the greater our success at the Southwest border, the more drug traffickers will attempt to penetrate elsewhere. Therefore, we must see our efforts to improve drug control at the Southwest border as but one step in the process to safeguard all our borders from illegal drugs. We should learn from our successes and failures, applying these lessons to future efforts to stem the flow of transnational illegal drugs into our country. Federal, state, and local authorities in the Gulf Coast, Puerto Rico and the U.S. Virgin Islands, South Florida, Northeastern and Northwestern United States, and in the Great Lakes region are facing similar organizational and coordination challenges as they seek to stop the flow of illegal drugs into the United States.

In the end, we must try to stop drugs everywhere they threaten to enter the United States. But since the Southwest border is at the moment the most porous part of the nation's borders, it is there that we must mount an immediate, determined, and coordinated effort to stop the flow of drugs. We must do this. And, at the same time, we must anticipate where further efforts will be needed along the border to address traffickers' varying methods of bringing illegal drugs into the United States.

Mr. MICA. Thank you, General, for your statement and testimony. A couple of questions, if I may. First of all, one of the points that you raised was that there was not a point of contact for the local officials, local and State officials. We have many Federal agencies involved in this effort, and we do have the problem of the lack of someone, say, in charge. Who would you recommend be in charge? If not you, then who? How would you structure this?

When we were at the Southwest border, we heard problems of lack of communication, lack of coordination, and complaints about inter-agency turf wars. It seemed like there was no one in charge. You said that there is no point of contact for local officials to go. It appears that the Federal agencies are in disarray, with a lack of coordination, and each operating independently. How could we better structure this to put somebody in charge of these efforts?

Also, we have this HIDTA structure. We have a number of HIDTAs along there. Should it be based around those efforts? But again, somebody in charge, or somebody coordinating this massive effort: Is it possible, and how should we do that?

General McCaffrey. Mr. Chairman, one of the interesting aspects, when you start looking at the problem, there is something floating around called the "Burkhalter Report, 1988," done for Vice President George Bush. It is not a bad snapshot of the problems. We are working on the same problems today in 1999.

I do not think there is any particular magic to this. And let me again reiterate, just in the 4-years I have been privileged to watch this process, we have more resources, more technology, better intelligence, better coordination among Federal law enforcement, and better coordination across that border. I would argue it is still inadequate.

And although I think it is a weak analogy, I would almost suggest, we went a couple of hundred years in the military service of the United States where no one had the authority to coordinate the Army, Navy, Air Force, and Marines, until Congress passed a law and told us to do it. So I would argue for—

Mr. MICA. So are you recommending—And again, we are looking for solutions. Maybe we need to pass a law that says there must be a joint approach that someone is in charge. Would you do that on a unified basis across the board, or in divisions, or a combination, so that there is some structure?

The problem is, again, you have a half-dozen, maybe a dozen, Federal agencies, local efforts, National Guard: again, just multiple partners and participants, but nobody really in charge. Plus, your focus has been to improve technology and intelligence. We are doing both, and I think we are making some progress in that area. But we have a mass of people that we have sent to this border, and they seem to be all going off in their own direction—and again, lack of some structure.

Again, any specific recommendation as to how you tier this structure and organize it?

General McCaffrey. I would like to offer a couple of comments. First of all, what I would not try and do is start over and create a single border agency for the U.S. Government. It cannot be done. We would waste years fighting with each other. So I would recognize that there will be, and should be, separate Customs Service,

INS, DEA, et cetera, with their own budgets, manpower, unions, et cetera.

The second thing is, I would not assert that we need operational direction at the border; that is, somebody in command of the DEA-Customs investigations, et cetera. Law enforcement and prosecution, particularly through the HIDTA, do extremely well pulling together complementary investigations.

I do believe the problem is that there is no coordinator for any given POE or any sector of the border for Federal authorities. I still go to a border crossing, and I get a brilliant briefing by the port chiefs for the Customs Service, the INS, the Department of Agriculture, and anyone else who is there, the National Guard Bureau, et cetera. There ought to be a coordinator. In my view, that should be the U.S. Customs Service. Because primarily, what we have at the POE are millions of people and vehicles with the economic vitality of these two huge nations at stake.

In sectors of the border, it seems to many of us that the Border Patrol is the obvious logical actor to coordinate Federal law enforcement efforts, and to do so in cooperation with Mexican authorities. We have thousands of National Guard troops out there, engineers, military intelligence, supporting the effort. The Department of Interior, Transportation, and other Federal agencies have huge responsibilities. Somebody has to coordinate it.

And then finally, I have argued that El Paso already has Joint Task Force Six. You are going to have Brigadier General Dorian Anderson, one of our better soldiers we have on active duty. That is where we coordinate military support. We have EPIC there, the intelligence center. We have "Operation Alliance" there, where we try and broker law enforcement demands on the feds. A lot of the activity is there. I think there ought to be a border coordinator for counterdrug activities.

Mr. MICA. Thank you. One final question. You have mentioned—well, we talked about cooperation among our agencies and local officials and that structure. One of the other elements of this has been—and the Administration has put an emphasis on it—cooperation among and with Mexican officials along the border.

I am really concerned, dismayed, at recent reports I have had as recently as the last week, for example, along the Baja Peninsula. It appears that that State or province has basically been taken over by narcotraffickers, that the situation is basically out of control as far as corruption. There have been hundreds of deaths. And the corruption runs from the lowest level to the highest level.

I am also concerned even with reports we have had in the last week. This Mario Mossieau, who committed suicide, he implicated, I guess, in his suicide note that even the Presidency of Mexico may be compromised. We have had testimony from a Customs official to that effect in a prior hearing that we had.

Are we able to deal with these folks at all in some efforts to make some meaningful cooperation? Or are we dealing with the drug dealers and narcoterrorists at every level with Mexico today?

General McCaffrey. Mr. Chairman, first of all, I think what we ought to do is watch what people do, not what they say. What we are trying to do is achieve the best possible defense of the Amer-

ican people by working with Mexican actors who we think are producing results for us.

I think it is unarguable that when we deal with the Mexican Attorney General, with Mr. Mario Herran, who is the head of their counterdrug law enforcement effort, when we deal with the Minister of Defense and others, they are cooperating. There are actors who we can talk to and share intelligence with, and we are doing just that.

Concerning the Mexicans, clearly, their people are getting murdered and kidnapped and brutally tortured. They are fighting back. When we pulled "Operation Impunity"—one brilliant piece of work by Customs, DEA, and others, with the FBI involved in it—we did work with Mexican authorities during that investigation. As you know, they seized more than 12 tons of cocaine, \$20 million, tons of marijuana, and arrested almost 100 people. And we were able to keep that one reasonably close hold.

We have watched the Mexican Navy arrest at sea with two gigantic cocaine seizures. That is a fact. They have done that. We have watched the Mexican Army and police on their southern border, which is where they are putting their x-ray machines, down on their Guatemalan-Belize border. They have bought a couple of hundred small boats, and they are trying to seal off from the south entrance to Mexico.

I think they are serious about it. Now, at the same time, it has never been more dangerous inside Mexico or on that border for United States law enforcement and Mexican law enforcement. One of the officers this morning told me the Mexican smugglers now get murdered if they do not get through. So these people and their families are at risk, they are armed, and they are dangerous. They are dangerous to the Beta Group in the south on the Mexican side of the border, and they are dangerous to our law enforcement officers. And we are losing local and Federal law enforcement officers.

So I think it is a very challenging situation. But, yes, the Mexicans are working with us; and, yes, we are achieving results from it.

Mr. MICA. Thank you.

Mrs. Mink.

Mrs. MINK. Thank you, Mr. Chairman. The issue is really quite mind-boggling. We have a dizzying array of individuals, agencies, local, State, Federal, involved in this whole matter of trying to bring under control the invasion of these drugs that are coming across our border.

And if we read back or read through the transcript of your testimony this morning, I think we would pick out quite a number of places where you indicated that we were not doing enough, that we could do better, that we looked forward to better coordination or better efforts on the part of the Federal Government to look at this as a truly national problem, and not to leave the local and State officials dry in terms of intelligence and other kinds of technical assistance which might make their work more effective.

So having said all of that, and understanding that the problem is very complicated, I am somewhat dismayed that you do not recommend that we institute some one agency or individual in charge of the Southwest border. I do not believe, frankly, that by having

task forces, meetings, joint ventures and more coordination, or even one chief coordinator, you are going to find a solution to all of these areas which you have enumerated today as being areas of major deficits on the part of the national government.

So I would like you to address that point. How could a coordinator do any more than what is already being done in joint task forces and HIDTAs and all these other operations that we have put into effect, from whom we have heard; each one indicating the maximum efforts that they are putting and trying to achieve their potential? And yet, when you as the person in charge of all of this overview recite to us these major deficits, it seems to me it is time for us to consider some very bold and much more decisive command.

This is an invasion, and I regard it that way. And I do not think that we can say coordination is the answer.

General McCaffrey. I think I basically agree with your sentiments. I think that in 1997 I went to the President and laid out the problem and gave him the general shape of how we ought to move ahead, and he agreed at that point, and so did the White House Chief of Staff. What we are trying to do now is struggle with 23 Federal agencies, and in particular four major departments of government, to come to a common viewpoint.

These are professional people, by the way. This is not a lack of intelligence or responsiveness. It is not narrow-minded behavior. These are professionals who are very concerned about some very different institutional missions. The Border Patrol is not like the U.S. Marshals Service, which is not like the DEA mission.

Mrs. MINK. Yes, but we cannot allow those bureaucratic definitions which we have to deal with—

General McCaffrey. Yes.

Mrs. MINK [continuing]. To come to a point where it interferes, interrupts, creates a barrier from effective interdiction of all of these things coming across.

General McCaffrey. Right. I think much of this can be solved.

Mrs. MINK. It seems to me like somebody has to be in charge to solve those problems.

General McCaffrey. You are certainly talking to a person whose background—

Mrs. MINK. Well, I was going to suggest that you start this, in terms of how the military might approach this—

General McCaffrey. Yes.

Mrs. MINK [continuing]. From an overall command post.

General McCaffrey. I think a significant move forward would be if there was a Federal coordinator from the same department of government.

Mrs. MINK. We have the authority to make a decision.

General McCaffrey. Well—

Mrs. MINK. I do not mean to load on you today, General.

General McCaffrey. Yes.

Mrs. MINK. But I just feel so frustrated—

General McCaffrey. Yes.

Mrs. MINK [continuing]. In getting to these hearings, and hearing the people discuss the issues, and this myriad of complexities and different agencies, different responsibilities. And it is agonizing

to know that we do not have that ability to put it all together so that somebody can help that small sheriff——

General MCCAFFREY. Yes.

Mrs. MINK [continuing]. In a small town get the intelligence that he needs, which is available, in order to do a better job.

General MCCAFFREY. It goes beyond that. Basically, if you are a sheriff in a county or a police chief, or a Mexican law enforcement figure, who is it you are supposed to go to to begin the process of coordination? And since we have jurisdictions that are not congruent—the DEA, the FBI, the Border Patrol, the Customs Service do not have the same jurisdictions.

Mrs. MINK. Well, I could not even tell you what it is. If somebody came to me, I would have to call up four people.

General MCCAFFREY. Right. I share your concern. I think coordination is required. I am not sure we can ever get to command; nor do I believe it is required. But I think we do need to move forward.

Mrs. MINK. Thank you, Mr. Chairman.

Mr. MICA. Mr. Hutchinson.

Mr. HUTCHINSON. General, good morning to you. Just following up a little bit, you mentioned the Burkhalter Report of 1988. What did it say in reference to coordination among our Federal agencies?

General MCCAFFREY. Let me, if I can, extract from it what they recommended, because times have moved on and some of this is not entirely appropriate. The problem is, I would argue, they rented a very bright admiral and had him study the issue. He captured some findings that are remarkably similar to what I am now telling you. And 10 years later, we still have not overcome the coordination shortfalls that he identified in 1988.

Mr. HUTCHINSON. What you are saying is, we have made enormous strides in the coordination—at least, that is my impression of law enforcement as a whole—through the HIDTAs, and through the drug task forces. There is more coordination between the agencies, but there is not any central command post.

General MCCAFFREY. Right.

Mr. HUTCHINSON. Is that correct?

General MCCAFFREY. Neither at the POEs, the ports of entry; nor in the sector; nor in the Southwest border.

Mr. HUTCHINSON. How much authority do you have?

General MCCAFFREY. Considerable: For budgets, for policy. We have managed to pull together intelligence architecture. We have managed to pull together a coherent technology initiative. So a lot of that is moving in the right direction.

Mr. HUTCHINSON. On the budget side.

General MCCAFFREY. I have to certify everybody's agency budgets, and if they are not found adequate I can decertify them and order them to reconsider. I have to certify the department budgets.

Mr. HUTCHINSON. Do you have authority to certify increases? Do you have authority to recommend cuts?

General MCCAFFREY. Indeed.

Mr. HUTCHINSON. I mean, that should be a lot of leverage, I would think.

General MCCAFFREY. I think it is. That is why I think the budgets and the technology and the manpower are moving in the right direction. There are more people, more x-ray machines. Coordina-

tion architecture is better. I do not want to miss that, and that is why I read into the record huge increases in U.S. attorneys present on the border, 80 percent; 72 percent increase in Customs manpower.

We are aware of an appreciative congressional response to our initiatives for 5 years running now. But I have also tried to outline for you the shortfalls. The shortfall is, there is still no coordinator at El Paso, TX, for Federal counterdrug efforts.

Mr. HUTCHINSON. I think your point is right on target. I think there is agreement that there is a need there. But you indicated that we waste too much time trying to combine or put someone in charge. You pulled back from really having a coordinator with power and punch. You are saying a coordinator of information, and that is pretty weak. So how strong do you want to go in this regard?

And you mentioned Customs. Would your office not be in a better position to provide coordination than Customs, for example?

General McCaffrey. I think everything works better from the bottom-up than the top-down. So the thing I am most worried about is having a coordinator at each POE. I would rather have that than anything else.

Then the second thing I would rather have is somebody in the States of New Mexico, California, et cetera, who is the Federal coordinator for counterdrug efforts on the Southwest border in that State.

Finally, I would like to see somebody parked in El Paso, using the manpower of EPIC, Alliance, and Joint Task Force Six, who is charged only with watching the Southwest border and coordinating our counterdrug efforts.

I want to be a policy guy; not an operational person. If Congress wants to change the law, I have spent most of my life in charge of things; I am a policy, budget, and spokesperson now. It will not happen here in Washington.

Mr. HUTCHINSON. To accomplish that coordinated office, would it take legislative effort, or can it be handled at the administrative level?

General McCaffrey. I have been trying to achieve it through dialog and logic.

Mr. HUTCHINSON. OK. I yield back. I thank the General for his comments.

Mr. MICA. Thank you. Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman. I want to first say that I agree with the General, in terms of the necessity to have a coordinator. But let me, perhaps, put it in perspective of the context of how you are approaching a coordinator, as my colleague from Arkansas said, of information, and why not additional authority. Let me first give you some personal experience and personal frustration, and why I think it is very important that we do have a coordinator has some authority and decisionmaking capability between the Federal agencies.

One of the big frustrations, even today, as a Member of Congress, is the fact that INS, even though we fund them for technology, can take that money and use it for something else. We know that Bor-

der Patrol, for example, is going to be falling short by some 650 agents in hiring the required 1,000 agents this year.

In addition to that, there are gaping holes on the border where they do not have the elementary type sensors that have been around since I served in Vietnam some 30 years ago.

So part of the issue is in following three examples: The ability of the border coordinator, border director, however we want to phrase it, to be able to dictate to INS that money that is to be spent for manpower or for technology be done accordingly.

Part of the directive should be that if we have identified a shortfall with the U.S. Marshals who are charged with transporting our prisoners and making sure they show up for trials, et cetera, and if there is a shortfall, this coordinator should be able to have some influence over additional marshals, relocation of marshals, those kinds of things, to the border area.

The last thing is a tremendous shortfall in U.S. attorneys and, by extension, Federal judges; although we get into another arena when we talk about confirmation of Federal judges. But the issue from my perspective—and I am talking from about 13 years frustration as a chief patrol agent—is we have a situation where border law enforcement agencies work together, not by design, but by the capability of individual chiefs, directors, special agents and all, to get along and to say, “Look, our resources are finite, so we do more if we work together.” This is well and good, if everybody is on the same page; but oftentimes, they are not.

In regards to the issue of the port of entry, General, I think you are on target. We need one agency in charge of each port of entry, so they can make staffing decisions, so they can make decisions in terms of strategies and things along those lines.

I appreciate your position, because in my conversations with members of the administration, I know that the administration is opposed to your idea of a coordinator.

Mr. Chairman, that is something that we ought to seriously take a look at from a congressional perspective. Because if we leave it to the different Cabinet-level individuals, there is a possibility of turf battles right on the front lines of the war on drugs, and I have seen those same kinds of turf battles up here in the political and in the bureaucratic arena.

So I would hope that we, as a Congress, take a look at this. If we need to change the law, let us change the law. Because in the long term, every year the issue of certification comes up. We tend to project our frustrations, in the case of the Southwest border, onto Mexico. I, for one, want to commend General McCaffrey for every year standing up and saying, “Look, the Mexicans are paying a tremendous toll for their role in the war on drugs, and we ought to be looking at ourselves.” This is an opportunity for us to look at ourselves, and to do something meaningful.

The last thing I would like to ask the General by way of a question is, General, when we came up in 1992 with the HIDTAs, and we had five original HIDTAs, they were a priority in order to combat narcotics. From then to now, we have gone from 5 to 31, as you mentioned yourself.

In my mind, one of the frustrations is that if everything is a priority, then nothing is a priority. They are no longer focusing in on

areas like El Paso and the Southwest border in terms of funds and the ability for agencies and your office to provide the extra resources.

I do not have anything against other parts of the country being able to participate, but I think their participation is at the detriment of those areas that are on the front lines. I would like your comment on HIDTAs going from 5 to 31 today, and perhaps 40 or 50 next Congress.

General McCAFFREY. Mr. Congressman, I think your comments are basically on the money. If I may, on the subject of coordination versus being in charge, I think we ought to go for what we can realistically achieve. I see no possibility of getting the various committees of Congress, the various departments of Federal law enforcement, to agree to place a person in operational control of multiple Federal agencies. I do not think it is achievable.

And by the way, from the start, the President of the United States and the White House Chief of Staff have been supportive of me trying to organize, as best I can, agreement among competing interests. I think where we might get is to have a coordinator, the Customs Service, at the POEs, and a coordinator, Border Patrol, in sectors and States. So I would like to move in that direction. But if you think more is achievable, I would listen very carefully to your own viewpoints.

Mr. REYES. Well, General, if I could just interrupt you for a moment. In 1993, I was told that we could never control the border, when we put "Operation Hold the Line" and redefined the strategy from one of chaos and apprehension to one of prevention.

General McCAFFREY. I agree. If we put the manpower, the technology, the intelligence, and fencing in place, we can regain law and order control of our border, working in cooperation with Mexican authorities. I think we can do that.

And the HIDTAs, Mr. Congressman, are working spectacularly. I would argue they would work with or without Federal dollars, because smart cops do cooperate, and the prosecutors do. I go to these HIDTAs in the Northwest and Minnesota and New York City. You have given me enormously increased money. In 1991 it started with five HIDTA's, \$46 million. Now the total amount of money for all the HIDTAs is \$186 million. I am an unabashed supporter of the HIDTA process.

I do believe we need to be careful that this is not micro-managed by congressional actors, where the budget is placed for political reasons in support of certain programs. I think we are on the edge of losing control of it. You passed a law and told me to identify where HIDTAs should exist and to recommend to you that process, and then you asked me to identify the budgetary recommendations. I am getting way too much help on this process.

Mr. MICA. I think we are going to have to turn to one of the other congressional actors. I appreciate your response.

Mr. Souder.

Mr. SOUDER. Thank you, Mr. Chairman. I wanted to make a couple of comments, and I have a few questions that I will put together and that you can address because they are similar.

One is that I think anybody who looks at the numbers can get so frustrated that they say—and this is what we are starting to

face at the grassroots level—"Well, this does not do any good." That is simply not true, as you have pointed out.

Let me make first a political statement. I believe that in the first few years of this administration, drug use in this country soared, as we backed up. But I also believe that, just like your recent statistics you put out, we have made some progress in the last few years. It will take a lot more progress just to get us back to 1992; but at the same time, since you have been working aggressively in your office and given an organized public forum, and as this administration has joined with us in the fight, we in fact have made progress.

And it is not true for people to say that we have not reduced drug use in the United States, or reduced violent crime in the United States. It is just very hard and very expensive. And the more pressure we put on, in effect, the marginal costs become greater. But I think it is very important to always have that in the record, that in fact we have been making some progress now for the last few years. It is not true that we are "losing" a drug war. We have in fact been gaining ground. We just lost so much ground that it is hard to get it back.

Second, every time we visited Mexico or South America, there is no way to separate. I want to put a couple of facts into the record. Our exports to Mexico surpassed United States exports to Japan, now making Mexico the second-most important export market after Canada. We are Mexico's predominant trading partner, accounting for 85 percent of Mexican exports and 77 percent of their imports. We are the source of 60 percent of their direct foreign investment.

There is no way we are going to stop this trade process. I say that as somebody who has had skepticism about NAFTA all the way along, and who 2 days ago just lost another plant of 450 well-paid employees to Mexico; which now makes my record going about every 30 days getting a plant closing in my district, moving to Mexico. But the fact is, that is not going to reverse itself. We have to figure out how to best deal with this.

And when you have the amount of trade we have, and the immigration—in my district, I have seen a massive increase in the number of Mexican immigrants, because our unemployment rate is at 2.5 percent and the industry needs them. And we might as well acknowledge that we are having some major things interacting with the border control that make this question a very complicated one, both international and domestic.

Now, I have a few questions that relate. I, too, am hopeful. You said there were nine extraditions. And I believe we have made some progress on the Mexican nationals that have been extradited on drugs. That is one of the things we are really watching.

A second thing is, in the vetted units, is there anything we can do to accelerate that process, in training, in additional dollars? Because it is clear we cannot control this just on our side of the border; yet, there are nationalist things in Mexico that we can and cannot do. You referred to the importance of intelligence dollars. Does that include boosting dollars related to tips? What things can be done? You said they are working at the Guatemalan and the southern border, but we really need their help at the northern border as well.

And my last question is—and that kind of ties in with the intelligence question—as we have seen in Miami, they moved to the airports and other things. As you have said, they are smart. In other words, wherever we put the pressure, they put around. Is it intelligence and some of the things like that you are putting emphasis on? And could you identify a little more what you mean by that? Because the general assumption that many of us have is that is exactly what is happening: Wherever we put the pressure, they adjust to that.

So what are some ways to directly deal with that problem? Are there specific requests regarding intelligence, their vetting units, their dollars, things we can do to help strengthen their side of it, in addition to continuing to put the money into our side?

General McCaffrey. The extradition process, Mr. Congressman, I would ask you permission to submit for the record a statement on how we are doing this year. There was one huge challenge to us and Mexico concerning cooperation: they got a bad court case they are trying to deal with. Essentially, it appeared to be barring further extraditions of Mexican nationals, in accordance with their own Constitutional restrictions. Mexican authorities are trying to work to deal with this in accordance with their own laws.

But I believe there is a common agreement on both sides of the border that we will not allow a fugitive from justice to violate our laws or theirs and hide on the other side of the border. I think we are continuing trying to work that successfully. And the two Attorneys General have secure phones in their offices, and they do talk about not policy, but court cases, by name, “How are we going to get this criminal suspect extradited to the other country?”

Vetted units: They are doing better. The sort of gross number is, they have now vetted 6,000-some-odd people. They have flunked a little under 1,000. They are trying to conduct oversight of their own law enforcement agencies. But there are huge institutional challenges to them building law enforcement operations that will work.

There are vetted Mexican law enforcement military and police units and intelligence units that are working in cooperation with United States authorities, and that is something we ought to be proud of. At the same time, there is, as we understand, massive corruption implicit in local law enforcement, and in some cases in the judicial system. It is something to be dealt with, and I do not think we are going to see our way around that for a generation.

When it comes to intelligence, I think we are making some enormous progress. In an open hearing, with your permission, I will be a little bit cautious about what I say. We are identifying vulnerabilities of these criminal systems. CNC, the CIA, acting as sort of the executive agent, has brought together—we have periodic inter-agency meetings: How are we going to target these people, collect evidence? How do we then disguise where we are getting it? How do we then find cuing systems so that U.S. law enforcement authorities, to include the Coast Guard, are tipped off, without betraying sources and methods? Then we are arresting people.

This process is working. There are huge seizures going on. And this is, by the way, not just United States-Mexican cooperation; this is global authorities. We are working very closely with Euro-

pean Union partners, with Thai authorities. Probably in a closed session we would be glad to lay out more of that.

I think we are moving in the right direction. Funding is an issue, and one that we have developed some new thinking that may require new ways of looking at resources.

Mr. SOUDER. Mr. Chairman, if I may just make one small comment with that? If we can look at a discussion of what we can do, I do not know that we can afford a generation. I mean, I understand why you are saying that, as far as changing their law enforcement. If there are any things we can do to accelerate that, in boosting the pride, exchange programs with our police academies, ways to give awards through other means to get it to the Mexican Government to build the pride and income in their law enforcement. Because, I mean, a generation does not do much for us. And yet, I understand that unless we kick that process, that is exactly what we are looking at.

General McCaffrey. Yes, I get your point.

Mr. MICA. Thank you, Mr. Souder.

I am going to go to our vice chairman, and then I will go to you two gentlemen, if you do not mind. Mr. Barr, you are recognized.

Mr. BARR. Thank you, Mr. Chairman. General McCaffrey, it is always an honor to have you here, and we appreciate your work, and I do personally very much, in support of our overall drug effort. Although I was not here to hear your direct testimony, I understand you commented on and provided some guidance and thoughts on creating a better coordinating structure for our Southwest border region. I think your ideas have a lot of merit, and I appreciate your providing those to us.

Several years ago, when I served as the United States Attorney in Atlanta, we had the problem of trying to extradite individuals from Colombia to the United States. The Colombian Government at that time paid a dear price for beginning the process of trying to extradite some of their drug traffickers to the United States. They do not just have to deal with harsh words down there, the people, they bomb and kill large numbers of people, including supreme court justices and political figures.

One of the very first individuals that was extradited up here to the United States was a cartel money launderer, and he was extradited to Atlanta. We had him under indictment there. Shortly thereafter, though—and I do not recall exactly when it was—Marion Barry was seen on international TV with the undercover tapes doing cocaine. And then shortly after that, the verdict was rendered in his case, in which I think he was convicted of a misdemeanor and did a small amount of time.

That had a direct and very negative, almost a chilling effect—understandably so—on the willingness of the Colombian Government to stick its neck out to extradite individuals up here, because of the feeling that, “The U.S. is not really serious about fighting drugs internally, where you have—” as I remember seeing traffic “—where you have the Mayor of your own Nation’s Capital doing drugs and basically getting a slap on the wrist.” It really chilled the process that was beginning to move forward before that time of starting to extradite some of these kingpins and top money launderers to the United States.

We now have the prospect of drug legalization in the District of Columbia—not just a mayor doing drugs, but large segments of the population. We now know, for example, that almost 70 percent of those who voted in a drug referendum last year favor legalization of marijuana. And I have a great concern that, if this process moves forward, it will send a very, very negative message to those governments, those foreign governments, that are the source countries or the transit countries for the drugs moving into this country. Because whether we have problems with them from time to time on coordinating our activities or what-not, we do rely on them having faith in our system so that when they engage in activities in cooperation with us they are going to get the support here in this country of fighting drugs.

So I do have a concern about the message that this will send—that has already been sent by this drug referendum having been on the ballot, and the results of it now being made public. But of course, the President has that D.C. Appropriations bill which contains, for example, the amendment that I proposed during the appropriations vote that would prohibit the District of Columbia from taking any steps to implement any drug legalization initiatives.

Do you share my concern that we need to oppose efforts such as the one in D.C. to legalize drugs?

General McCaffrey. Senator Inhofe has just invited me to testify next Wednesday on just this issue, and I told him yesterday I look forward to that opportunity. Unequivocally, we are opposed to a State or District of Columbia referendum to try and change the FDA-National Institute of Health system by which we adjudge compounds to be safe and effective as medicines. This is a goofy way to go about sorting out what works in the best medical system on the face of the Earth.

We want to screen out Laetrile and Thalidomide. We want to screen in the magic drugs that have made our system of medicine so effective. We are unalterably opposed to doing that and we will go say that again Wednesday in front of the Senate committee.

I would also agree with you that it is probably a bad signal. I am less worried about Colombian criminals reading this the wrong way than I am about American 12-year-olds. You know, “If smoked pot is so effective as a medicine, if it is so positive a compound, then is it or is it not really a threat to my development as an adolescent?” That would be my first concern.

I think I would narrow the issue, though, Mr. Congressman, to say that medical pot is an issue that ought to be decided on science and medical basis, and not confused as a political issue. As long as we stay on that basis, we will end up with good policy. That is not what is happening. We have a very clever group who is pushing a drug legalization agenda, using industrial hemp and medical pot as their approach.

I do not argue that all of those who support medical pot are for legalization of drugs. I think it has been a failure on the part of those of us who understand the drug issue to adequately communicate why these State referendums do not make sense. The American people, when they get a reasonable explanation of the pros and cons of the issue, normally end up with a pretty sensible decision. I think we are failing in our efforts to communicate that.

Mr. BARR. And with the D.C. pot initiative in particular, I mean, there are all sorts—I mean, it is one of the goofiest of the goofy that I have seen, providing for best friends can grow the pot for you. It does not require even a piece of paper that a doctor has written something on. I mean, there are all sorts of easy ways to show why it is a bad idea.

If I could, Mr. Chairman, I would just ask two very, very quick questions on followup. Has the President, or anybody on his behalf, asked your opinion on the D.C. pot initiative and the language in the D.C. Appropriations bill that would stop it from moving forward?

General MCCAFFREY. Well, of course, Mr. Congressman, it would not be appropriate for me to tell you what advice I have given the President, or have not. It is clear that the administration position is, in public, in writing, we are opposed to deciding safe and effective medicines through public referendum. That is unequivocal. There are other issues that are going to be involved in this one, D.C. local authority. So there will be other issues that are outside of my purview.

Mr. BARR. But on an issue within your purview, as Director of the Office of National Drug Control Policy, and given your very strong opposition to these legalization issues—

General MCCAFFREY. Secretary Shalala and I and Dr. Alan Leshner and others are opposed to political initiatives which attempt to legalize specific medicines. We do not want heart medicines voted on in a public referendum; nor do we want smoked marijuana made available through that approach.

Mr. BARR. But the language in the D.C. Appropriations bill that would prohibit the District of Columbia government from moving forward with any steps to legalize drugs or reduce the penalties provided under Federal law, you support that language, do you not?

General MCCAFFREY. I have not read the language. From what you are saying, yes, I would support it. But again, what I would like to do is say, if this is really a medical issue, if you are talking about safe and effective medicine, then let us make that the purview of the NIH, FDA, and the American Medical Association, and make doctors stand up to the issue. They are hiding on the issue.

Mr. BARR. Well, would your preference be for the President not to veto the D.C. Appropriations bill, or any bill, simply because it contains the language that prohibits D.C. from moving forward with drug legalization?

General MCCAFFREY. We are adamantly opposed to the legalization of any agents under the CSA. That is in writing. There is no question of that. We are also adamantly opposed to smoked marijuana bypassing the FDA/NIH process.

Mr. BARR. Therefore, would it be—

General MCCAFFREY. I really would not prefer to go ahead to discuss Presidential action on language I have not read. Let the lawyers read the action. What you have heard, though, is not just my viewpoint; it is the viewpoint of Secretary Shalala, Dr. Alan Leshner, and the others of us who watch this.

Mr. BARR. If I could, I am surprised that you have not read the language. Would you take a look at that and give me your views on it?

General MCCAFFREY. Sure.

Mr. BARR. The language in the D.C. Appropriations bill that we inserted?

General MCCAFFREY. Yes.

Mr. BARR. Thank you.

Mr. MICA. Thank you. I am going to recognize Mr. Bilbray. He is not a member of this subcommittee, but he is from California, represents Imperial Beach. And we have heard from Texas; we will get a chance to hear from California now.

Mr. BILBRAY. Thank you. The gentleman from Texas and I are probably the two who live and sleep within site of the border. And let me just followup on comments made by my colleague from Georgia. I would assume that the administration continues to oppose the California initiative that passed a few years ago, General?

General MCCAFFREY. Absolutely.

Mr. BILBRAY. Does that include the President who opposes that initiative?

General MCCAFFREY. There is no question that we are adamantly opposed to using local referendums to decide which medicines are safe and effective.

Mr. BILBRAY. I just hope that with all the talk about equity and local control, that the people of D.C. are given the same protection as the people of California that have been supported by the administration on this issue. But that aside—I just want to point out that it is not just somebody picking on D.C.; that the California initiative is consistent with the administration's position on D.C.

General McCaffrey, as somebody who has worked along the United States-Mexican border for over 20 years, I see a lot of perceptions about Mexico and about the Mexican Government not doing enough. And frankly, for those of us who have watched what has happened in Mexico, we have seen that Mexico finally woke up to the fact that you cannot sneak up on the drug problem; you are going to finally have to get totally committed and totally involved.

Yet the corruption issue is raised again and again. My concern is that, as we point fingers on Mexico—remember, I have been probably one of the worst critics of Mexico on a lot of issues. But on this one, the fact is that Mexico took dramatic action a few years ago; they went in and totally changed their approach to drug interdiction along the border, did they not, with the restructuring?

General MCCAFFREY. Exactly. They have made a major effort to change this. They have increased the amount of money they put in it dramatically, and they are trying to reorganize their effort.

Mr. BILBRAY. And not just that, but they changed who was in control, how it was going to be managed.

General MCCAFFREY. They have, indeed.

Mr. BILBRAY. It was pretty dramatic in San Diego—and I do not know about along the rest of the border—where they actually called in Federal agents, lined them up in front of TV cameras, and said, "We are going to ship you all to Mexico this afternoon, and the military is going to come in and preempt the operation, because of the concerns."

I only wish that we will wake up and see this same kind of commitment and not find excuses. In fact, in looking at Mexico, I am trying to point out what they found about intercepting the drugs.

I see searches every 50 miles along their highways. I see the military being totally committed. I see their efforts; some we would not even consider. And I think the reason why they have taken those steps is the fact that they realized that they are being taken over; that basically this issue is going to totally absorb them.

With respect to the bureaucratic issue and coordination, in the San Diego sector, we saw Alan Bursen come in, be appointed by this President, and basically really come in, organize and coordinate that effort. We saw dramatic changes. We saw outreach across the border. And basically, as my colleague from Texas said, you started seeing an attitude change that quit finding excuses not to get the job done, quit walking around it, quit dancing around the issue and go right for it. Why could we not initiate that kind of policy across the entire frontier from Brownsville to Imperial Beach?

General McCAFFREY. Yes, I think that is exactly what is required. And Mr. Bursen, Rhodes scholar, All-American football player, remarkable personal leadership capabilities. And also, with a local community that was fed up. I do not need to tell you that. But southern California just had enough of this. So there was a dramatic response.

And we see other people. Mr. Kelly in New Mexico is doing brilliant work. All five Southwest border HIDTAs are doing a tremendous job. So there is movement. But Mr. Kelly had no authority over anyone but Justice Department actors; not the Department of Agriculture, not the Customs Service, not the Coast Guard, et cetera. There was cooperation with his leadership. At the end of the day, I think we need institutional coordination of this issue.

Mr. BILBRAY. Well, but those of us that lived along the border and do so today, we keep hearing Washington find excuses of why extraordinary measures not only should not be taken, but cannot be taken. And in fact, we have heard the excuses for decades. Silvestre Reyes is a legend in San Diego, because he was one guy who was willing to stand up and he said, "We not only can do it, we must do it."

Now, Mr. Chairman, I would ask one question. How many drug smugglers are intercepted every year along the border? Do we know how many were intercepted last year?

General McCAFFREY. I have a chart that shows tonnages of drugs by types seized. I have a chart that shows number of arrests. It is mind-boggling.

Mr. BILBRAY. How many of those drug smugglers were processed through the Justice Department, and how many were released back into Mexico?

General McCAFFREY. Many of them.

Mr. BILBRAY. Now, if we are a country that says we are absolutely committed to stop drugs, how can we justify looking at the American public and saying, "We are releasing drug smugglers out of this country without processing them?" Is the excuse that we just do not have the resources?

General McCAFFREY. Let me, if I can, underscore, because I actually probably have a different viewpoint, Mr. Congressman. We ar-

rested 1½ million people last year on drug-related crimes. We have now have 105,000 people in the Federal prison system. Two-thirds of them are there for drug-related offenses. That has doubled in 7 years. There is no question in my mind that there has been a blowtorch-intensity response by U.S. law enforcement and prosecution against drug-related crimes, particularly those at retail sales and above.

Now, what we were almost overwhelmed by, and why I am in favor of fencing and manpower and working with Mexico, is that when you shotgun marijuana across the border and you are arresting—as you know, you can go down and stand at Otay Mesa and watch a drug bust every 30 minutes. We do not want to take a 25-year-old Mexican mother with two borrowed children and prosecute her, when she has carefully come in right under the prosecutorial guidelines.

Mr. BILBRAY. But what I am saying is, if I drove my two children across the border with the same amount of drugs, would you release me?

General MCCAFFREY. Well, I hope not. I hope you would be doing California—

Mr. BILBRAY. Well, doesn't this sound a little bit like a violation of equal protection under the law? Or unequal prosecution? That's the message here.

Let me just say this. I have been asked by the counties along the border to say one thing to you. If you are not going to prosecute the drug smugglers, if you do not have the resources within the Federal system, then for God's sake, work with the counties and the States and allow them to prosecute. But as you release them, the message going back to Mexico is, "Here is the game, guys. Stay under this artificial limit that some bureaucrat has set up, and you can play the game. Make sure you drip the drugs into America, and America will not only accept it, but they will give you a free ride back." This is the kind of process that I think that we have to take responsibility for.

Mr. Chairman, I would just ask you to consider this. Can you imagine what the reaction of the United States people would be if Mexico was actively taking drug smugglers that they had captured and driving them to the border and saying, "Here, go in the United States, and no problem"? That is the kind of thing we are doing.

I am asking of one thing about that is substantive: the commitment by the administration to prosecute everyone who is in possession of drugs, be it a U.S. citizen or not, not to tell U.S. citizens, "We catch you, you are going to be prosecuted. But we catch a foreign national, we are going to send them home."

General MCCAFFREY. Presumably, Mr. Congressman, you are also talking about county prosecution and State prosecution, also. Zero tolerance of drug smuggling? You would have your local authorities do the same thing?

Mr. BILBRAY. Well, the local authorities will say they will do it. The trouble is to ask the counties, which tend to be some of the poorest counties in this country, to do the prosecution for the Federal Government without reimbursement. I think we need to seriously talk about providing a fund to reimburse for the prosecution.

General MCCAFFREY. Ignoring Federal violations, you are suggesting absolute prosecution by county and State officials for all drug seizures of any amount?

Mr. BILBRAY. If possible.

General MCCAFFREY. To include in Los Angeles foreign nationals encountered selling drugs in the streets of Los Angeles?

Mr. BILBRAY. No, look, I am talking about the fact that—

General MCCAFFREY. The only reason I point this out is, I have respect for your viewpoint. I think this is a resource issue. It is a prioritization issue. I think what many of us would like to do is make sure we have a clever, seamless web of Federal-State law and law enforcement across that border. But we do not want to prosecute a rented dupe from Mexico, a 25-year-old mother with a child with her. We want to go after the—

Mr. BILBRAY. Excuse me, but this is the whole point of a “rented,” one who is being paid to smuggle drugs is a drug smuggler. This attitude of saying who is a dupe and who is not is a problem. The dupe is the American taxpayer and the American Government is sitting, allowing people to work the system by saying, “I was just a dupe.”

General MCCAFFREY. Remember, 60 percent—And again, I say this respectfully, but it is put in context. Because I just had a conversation with the mayor of Los Angeles which I found curious. Sixty percent of the methamphetamines in America probably are manufactured in southern California. I think we have to remember that the problem of drug smuggling is not that of Mexico; it is involved with a lot of us.

The same thing occurs up on our Northern border, for example, in Vancouver, Canada: a huge external drug threat to the United States.

Mr. BILBRAY. I want to just make one comment on that. The methamphetamine production in San Diego County was huge, and now has been almost eradicated. The reason is that we put the pressure on the county. They moved it to Tecate, the hills behind Tecate, and now it is coming through over the Federal border.

What good is it for the local people to go after the local production and drive it out of their community, if it is just going to be moved south and the United States is going to continue to allow it to cross?

General MCCAFFREY. I think the prosecution of methamphetamines, cocaine, heroin, we ought to have about zero tolerance. I could not agree more.

Mr. BILBRAY. Thank you, Mr. Chairman.

Mr. MICA. I thank the gentleman from California.

I would now like to recognize the gentleman from Arizona, who also chairs one of the panels with great financial responsibility over this issue, Mr. Kolbe.

Mr. KOLBE. Thank you very much, Mr. Chairman. And I appreciate your making it possible for members of the Border Caucus and those of us who are most affected by this problem of drugs along the border on a regular basis to sit in on your hearing today. I am very grateful for that.

I will be very brief, because since I do chair the subcommittee that funds ONDCP I get an opportunity to have General McCaffrey

and others from his organization before my subcommittee on a fairly regular basis. I am glad this hearing has really focused on the problem of drugs along the border.

There is no doubt about it: We are facing an enormous problem. And it is a dual problem for those of us in Arizona, because we have become, unfortunately, the major crossing point now for illegal aliens coming into the United States. As we have been more effective in hardening the border in places like San Diego and El Paso, it has acted like a funnel. So we have the largest number of people who have been taken into custody coming across the border in the last year having been, ironically, in the rural parts of Arizona. We have even succeeded in some of our cities in hardening it in Arizona, but we have this massive flood of people coming through the fences in the rural areas.

What we are finding as a result of that is that there is a lot more of the drug smuggling coming this way. The border and that area have become much more dangerous. There has been much more violence. There have been many more shootings that have been taking place along the border. It is a very serious problem.

I have two questions that I would ask of you, General: What are we doing to get more of the technologies that we need down to the border? I do not mean just to the Federal law enforcement agencies, but to the local law enforcement agencies who are really on the front lines of dealing with this, as much as Customs and Border Patrol, every day.

We have a lot of new technologies, and some of them are those that can be used in checking trucks and vehicles as they come across the border. It seems to me we are very slow in really getting this technology down to the border areas.

General MCCAFFREY. I am not sure I disagree with you. It has taken us 2 or 3 years to really energize this process. You are giving us significant amounts of money. That is what we have done with it. Although it says over the past 5 years, essentially that is 2 years work. So it is starting to show up.

It works. The training systems work. The maintenance program works. The problem is, as we have suggested, if you are at Otay Mesa and San Ysidro, but you are not at the next, Calexico crossing point, and if you are smuggling 200 kilograms of cocaine, you do not go through the border at Otay Mesa. You move down to Calexico. So we have said there has to be coherency, a seamless web, and it has to be keyed to intelligence. It is not going to sort out the truck with the cocaine unless the intelligence system tells it which ones to put through at nine per hour.

But your money is going to pretty good work. I think as we see this go into place in the coming several years, it is going to pay off. We have also have the maritime flanks. The Coast Guard and the Border Patrol and Customs are also working. It is tied into a cross-border effort inside Mexico. I think the seizures, for example, this year are going to be up dramatically on the Southwest border and in Mexico. The Mexicans are doing pretty well.

The second thing you have given us is money for a counterdrug technology transfer program—I would suggest not enough, although you give us more than we ask for each year. It is still a modest program. Those sheriffs departments and police depart-

ments along that border cannot afford—this morning I was listening to Sheriff Lee out of New Mexico—the vehicles to prosecute law enforcement in their own counties, given the level of threat they are facing.

So we probably do need to look at enhanced resources for technology transfer. We are moving in the right direction; a lot of work to be done.

Mr. KOLBE. Well, it seems to me, if that is the case, we are not getting enough to you, but it is more than the administration has requested. You need to be a louder voice within the administration for trying to beef up that transfer of technology. I happen to believe that that transfer of technology is exceedingly important to what is going on.

General McCaffrey. I agree. Yes.

Mr. KOLBE. Is the coordination along the border what it should be? We have these HIDTAs, we have the Southwest border, we have the High Intensity Drug Trafficking Areas in each of these areas there, we have JTF-6 in El Paso. Is the coordination of the effort what it ought to be?

General McCaffrey. No, I do not think so.

Mr. KOLBE. What have you recommended about changing that?

General McCaffrey. We have a paper that I sent over to Congress that outlines the concept that we are trying to achieve. Pieces of it have happened. There is no question that the intelligence architecture that Congress asked me to pull together is now being completed, and Director Tenet from the CIA, the Attorney General, and I and the other actors will now move to create a better system to make sure intelligence supports law enforcement on drug systems.

It is clear we have more manpower. You have given us more resources, so you are seeing now the payoff of those programs; in southern California certainly, and pieces of the rest of the Southwest border. You can see fencing going in, and adequate manpower and technology.

Mr. KOLBE. Even though the fences were opposed originally? I point out fences were opposed originally. You know, all those physical barriers originally were opposed.

General McCaffrey. There are a wealth of viewpoints on that, Mr. Congressman. Mine is very supportive of fencing, low-light TV, sensor technology, manpower, aviation to the Border Patrol.

Mr. KOLBE. I, too.

General McCaffrey. Bottom line, Mr. Kolbe, is I think what we lack is a coordinator at each port of entry who State and local authorities and Mexican authorities know is capable of integrating horizontally the activities of the Federal law enforcement in that zone or sector. I think we need that. I think we need one in El Paso to integrate the Southwest border.

Having said that, there is a BCI initiative by Customs and INS, so each of the 39 border crossings now does have a committee which is pulling together in a very enhanced way those two departments of government. And that is good, and we ought to be proud of that. But there are four major departments of government, and 23 agencies involved. It is my own view that we can do better in

orchestrating this, and make it simpler on the sheriffs and police chiefs who have to work with us.

Mr. KOLBE. Well, I would agree with you. Mr. Chairman, I will not ask to have any further questions.

I would just agree with you. I think we have a very piecemeal operation. I see it every day, when I am there and talking to these people. Coordination is missing. And I do not have an easy answer as to how to do it. There is a tremendous amount of turf protection by law enforcement at all levels. Everybody wants to have a piece of the action. Everybody wants to be top dog. And the only ones that must be laughing about all of this are the drug dealers, who benefit from our willingness to spend more of our time fighting each other than fighting them. I think that happens all too often.

Thank you, Mr. Chairman.

Mr. MICA. Thank you. Thank you for your comments and your participation.

Mr. Ose.

Mr. OSE. Thank you, Mr. Chairman.

General, in terms of the drugs transiting the Southwest border, from a source standpoint, do they originate in Mexico, or elsewhere?

General MCCAFFREY. All the cocaine originates elsewhere. What we have said is that 80 percent of the cocaine in America originates in or transits through Colombia, which is now the leading producer of cocaine on the face of the Earth.

A tiny fraction of the world's heroin is produced in Mexico, about 5½ metric tons; another small amount, 6 metric tons, in Colombia. However, since we probably only consume around 11 metric tons, our law enforcement intelligence says that a little more than 70 percent of the heroin seized in America came out of Colombia, in particular. But a lot of that is just superb police work by Customs and DEA in particular. There are still huge amounts of Burmese heroin in America, as an example.

Mr. OSE. The reason I ask that question is that we have a particular initiative we have been working on for 3 or 4 years relative to some assistance we are trying to provide to Colombia, as it relates to some helicopters. You know we have had this conversation before. I saw that we got six Hueys down there recently.

Could you give us a status report on that particular initiative as it relates to the various helicopters we are trying to get to Colombia?

General MCCAFFREY. It would probably be best to give you a written update from the State Department. Essentially, there are 150 helicopters there. There are more en route. I believe it is 18 UH-1Ns and 6 Blackhawks that are still to go. The UH-1Ns, I believe some of them are now there, and others are being certified and shipped. The Blackhawks go in this fall.

We are trying to train pilots, get maintenance systems, et cetera. But that is moving faster than I would have expected. It should have been a 3-year process to build the chopper and to bring together the crews. I think they will be in there this coming fall, or later. That is about where the mobility is.

Mr. OSE. Fall started, I think, last night, technically. I do not know if that is accurate or not. But when you say fall, you mean prior to December 23rd?

General MCCAFFREY. The six Blackhawks—I had better give you an answer for the record—you have to train the crews, get the maintenance system in place, and ship them. And it is moving forward. I believe they will be there in the fall, if I understand it.

Mr. OSE. I do want to pass on a compliment. That is I did see where the six Hueys were delivered. I am appreciative of that. I do not think this is only along the border that we need to deal with this problem.

General MCCAFFREY. Right.

Mr. OSE. With respect to Colombia in particular, I cannot over-emphasize my interest in providing our friends in Colombia with the tools in which we have committed, so that we can help them help us.

With that, Mr. Chairman, I will yield back.

Mr. MICA. Thank you. I think we have run the full gamut here. If there are additional questions, I think we can submit them to the Director for response.

Again, we appreciate your cooperation with our subcommittee. As you can see, there is incredible interest on behalf of the Members of Congress. I think we have every border State represented here, chairs of some of the subcommittees involved, and ranking members. So we are pleased that you have responded. We look forward to working with you. It is a tremendous challenge, but hopefully we can do a better job on the Southwest border while working together.

There being no further questions of the witness, you are excused. Thank you.

General MCCAFFREY. Thank you, Mr. Chairman.

Mr. MICA. I would like to call our second panel, if I may. We have Lieutenant Raul Rodriguez, who is with the Metro Task Force, Nogales, AZ; Mr. Dennis Usrey, Director of the Southwest Border High Intensity Drug Trafficking Area, the HIDTA in San Diego, CA; and Chief Tony Castaneda, and he is the chief of police of Eagle Pass, TX.

I think this may be your first time testifying before us. This is an investigations and oversight subcommittee of Congress. We do swear in our witnesses, so if you would stand, please, and raise your right hands.

[Witnesses sworn.]

Mr. MICA. The witnesses answered in the affirmative. I would like to welcome our three panelists. We do ask, if you have any lengthy statements, that they be submitted for the record, and I will be glad to recognize a request for those submissions.

With that, I would like to recognize and welcome Lieutenant Raul Rodriguez, with the Metro Task Force in Nogales, AZ. You are recognized, sir.

STATEMENTS OF RAUL RODRIGUEZ, LIEUTENANT, METRO TASK FORCE, NOGALES, AZ; DENNIS USREY, DIRECTOR, SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREA, SAN DIEGO, CA; AND TONY CASTANEDA, CHIEF OF POLICE, EAGLE PASS, TX

Mr. RODRIGUEZ. Chairman Mica, present Representatives, distinguished Members, it is an honor to testify before you.

Mr. MICA. You might pull the mic up as close as you can.

Mr. RODRIGUEZ. It is an honor to testify before you. I have some oral remarks I would like to offer, and I have also prepared a written statement which, with your permission, I would like to provide for the record.

Mr. MICA. Without objection, the written statement will be made part of the record. Proceed.

Mr. RODRIGUEZ. Thank you, Mr. Chairman. I am Lieutenant Raul Rodriguez, from Santa Cruz County in Nogales, AZ. I am commander of the Santa Cruz Metro Task Force. It is a multi-agency: a Federal, State, and local agency, investigative and interdiction centerpiece Task Force located in Nogales, AZ.

The Task Force is co-located with U.S. Customs Investigations. Participants in the Task Force are the Santa Cruz County Sheriff's Office, the Nogales Police Department, the Federal Bureau of Investigations, the U.S. Customs Service, the U.S. Border Patrol, the Drug Enforcement Administration, the Arizona Attorney General's Office, the Arizona Department of Public Safety, Patagonia Marshal's Office, and the Santa Cruz County Attorney's Office.

Our problem in Nogales, AZ and in Santa Cruz County is vast because we are one of the smaller counties in Arizona. It encompasses only 1,200 square miles. Nogales, AZ is the county seat, but Nogales, AZ is also the major port of entry for commercial and pedestrian traffic for Arizona. We have strong commercial ties between Nogales, AZ and Nogales, Sonora, Mexico, which is south of our city.

Arizona shares approximately 370 miles of border with Mexico, which is approximately 25 percent of the total United States-Mexican border. Santa Cruz County has approximately 53 miles of border with Mexico.

The Task Force efforts deal directly with marijuana, which continues to be the most abused and commonly encountered drug on the border. Backpacking of marijuana continues to be the most common method of smuggling from Mexico to Arizona. Tucson, AZ remains the transshipment location for marijuana cargo destined for other regions throughout the United States. The current trend is that marijuana is smuggled on a year-round basis. It used to be seasonal. Statewide seizures for marijuana total up to 228 metric tons for 1998.

Cocaine remains the second popular drug of choice in the county and Arizona. Cocaine seizures in our county have increased by 194 percent, according to figures from 1998 and 1999, and we have not finished 1999. Nogales, AZ continues to be a focal point for cocaine seizures in southern Arizona. Tucson and Phoenix remain the primary transshipment location for transportation of cocaine via passenger vehicle and tractor-trailers.

Heroin use is also on the rise in Arizona, also in our border community. Recently, we did an undercover operation with U.S. Customs O.I., which netted 2.4 pounds of heroin this year in Nogales, AZ. Our problem is established Mexican drug trafficking organizations operate freely and uninhibited within the border community of Nogales, AZ, Mexico, and the surrounding area.

The corruption and the potential of violence along the United States-Mexico border are factors that directly and indirectly affect enforcement efforts. The influx of undocumented aliens has caused increased facade incursions along the border to hide illegal smuggled contraband along the border region.

Established Mexican drug trafficking organizations have not eased their efforts to continue smuggling drugs across the border and into this country. The Task Force was the lead investigative agency which uncovered two secretly dug tunnels in January of this year. This case made national news. The tunnels were constructed and connected to a series of storm drains that led directly underground to Mexico. The investigation of this tunnel revealed that drug seizures made in California could be traced back to the covert operation of the drug tunnels.

The drug threat in this community has affected the frequency of violent crimes that are committed against law enforcement and the public in this border region. In 1991, my supervisor for the Task Force, Sergeant Manny Tapia, was shot to death by a drug smuggler during an arrest. The 19-year-old suspect was transporting 140 pounds of marijuana in his vehicle when he shot and killed Sergeant Tapia.

In April of last year, four marijuana smugglers on the west side of Nogales, AZ assassinated U.S. Border Patrol Agent Alex Kurpnick. Increased violence against U.S. Border Patrol agents along the border, with rock-throwing attacks, laser beam pointing, and actual incoming fire from Nogales, Mexico are on the increase.

Our Task Force in 1998 was responsible for 53 percent of all felony filings in two superior courts within the jurisdiction of this county. The majority of crimes committed in this county are drug-related.

Funding for the Task Force, however, has been stagnant. We receive our funding through the Edward Byrne Memorial Grant and the HIDTA grants. This year the Byrne Grant Fund was decreased by 8 percent; the HIDTA grant was not increased. Funding is a critical part of the joint policing efforts against drug crimes. Without the available resources, the Task Force will be hindered in its labors.

That is all I have right now as a statement. I would entertain your questions.

[The prepared statement of Mr. Rodriguez follows:]

SANTA CRUZ METRO TASK FORCE

Santa Cruz County
Nogales, Arizona

LIEUTENANT RAUL RODRIGUEZ COMMANDER

The Metro Task Force is a multi-agency (federal, state, and local agency) investigative and interdiction 'centerpiece' Task Force located in Nogales, Arizona. The task force is collocated with U.S. Customs Office of Investigations. Participants of the Task Force are: Santa Cruz County Sheriff's Office, Nogales Police Department, Federal Bureau of Investigations, U.S. Customs Service, U.S. Border Patrol, Drug Enforcement Administration, Arizona Attorney's General Office, Arizona Department Of Public Safety, Patagonia Marshall Office and the Santa Cruz County Attorney's Office.

PROBLEM STATEMENT:

Santa Cruz County is Arizona's smallest county, encompassing only 1,236 square miles. Nogales, AZ serves as the County Seat and it is the major port of entry for Arizona and Mexico. There are strong commercial ties between Nogales, AZ and its sister city across the border, Nogales, Sonora. Arizona shares approximately 370 miles of border with Mexico (approximately 25% of the total U.S.- Mexico border). Santa Cruz County has approximately 53 miles of border with Mexico.

Task Force enforcement efforts deal directly with Marijuana, which continues to be the most abused and commonly encountered drug. Backpacking of marijuana continues to be the most common method of smuggling from Mexico into Arizona. Tucson, AZ, remains the transshipment location for marijuana cargo destined for other regions throughout the United States. The current trend is that marijuana is smuggled on a year round basis into Santa Cruz County and Arizona. State wide seizures for marijuana total to 501,842.1 lbs. (228 metric tons 1998 figures).

Cocaine (Hydrochloride and crack) remains the second most popular drug of choice in this county and Arizona. Cocaine seizures in this county have increased by 194% compared to figures on 1998 to 1999 (fiscal year). Nogales, Arizona continues to be the focal point for cocaine seizures in Southern Arizona. Tucson and Phoenix remain the primary transshipment location for the transportation of cocaine via passenger vehicle and tractor-trailers. Statewide seizures for cocaine total to 23,878 lbs. (22 metric tons).

Heroin use in Arizona is on the rise and has been gaining popularity nation wide due to the increase availability of the drug. The Task Force recently participated in a joint undercover investigation with U.S. Customs O.I. The Task Force provided an agent to conduct an undercover role in the purchase of a sizeable amount of heroin. This co-investigative technique resulted in the arrest of several suspects and the seizure of two pounds of heroin. Year to date seizures 2.4 lbs. of brown tar heroin.

Established Mexican Drug Trafficking Organizations (MDTO's) operate freely and uninhibited within the border community of Nogales, Sonora Mexico. Public corruption and the potential for violence along the U.S./Mexico border are factors that directly and indirectly affect enforcement efforts. The influx of undocumented aliens has caused increased facade incursions along the border to hide the illegal smuggling contraband along the border region.

Established MDTO's have not eased on their efforts to continue smuggling drugs across the border and in this county. The Task Force was the lead investigative agency, which uncovered two secretly dug tunnels in January of this year. This case made national news, the tunnels, which were constructed and connected, to a series of storm drains that lead directly underground to Nogales, Mexico. The investigation of this tunnel revealed that drug seizures made in California could be traced back to covert operation of the drug tunnels (See sample photos, Attachment #1).

The drug threat in this community has affected the frequency of violent crimes that are committed against law enforcement and the public in this border region. In 1991 the Task Force Supervisor, Sergeant, Manny Tapia was shot to death by a drug smuggler during an arrest. The nineteen year suspect was transporting 140 lbs. of marijuana in his vehicle, when he shot and killed Sgt. Tapia. In April of 1998, four marijuana smugglers on the West Side of Nogales, AZ assassinated U.S. Border Patrol Agent, Alex Kurpnick. Increased violence against U.S. Border Patrol Agents along the border with rock throwing attacks, laser beam pointing and actual incoming fire from Nogales, Mexico are on the increase. Please see attachment #2. (Attachment #2, Report on violence against law enforcement in Arizona.)

In 1998 the Task Force was responsible for filing fifty-three percent (53%) of all felony filing in the two Superior courts within the jurisdiction of this County. The majority of crimes committed in this county are drug related (Based on statistical information by the Superior Court of Santa Cruz County).

Funding for the Task Force are received by Edward Byrne Memorial Grant and High Intensity Drug Trafficking Area (HIDTA) Grants. This year the Byrne Grant fund was decreased by eight percent (8%). The HIDTA Grant funding was not decreased, even though seizures and law enforcement efforts against drug crimes are increasing. Funding is a critical part of the joint policing efforts against drug crimes. Without the available resources, the Task Force will be hindered in its labors.

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Date: August 26, 1999 **ATTACHMENT 2**

To: Lieutenant Terry Azbill
HIDTA Intelligence Division Director

From: Robert A. Dippery Sr.
FBI Intelligence Research Specialist

Subject: Violence on the rise to local law enforcement in the Phoenix metropolitan and surrounding areas

Enclosure: Time line update

Details: Between the dates of 08/01/1999 and 08/25/1999, three new incidents of violence toward local law enforcement in the Phoenix metropolitan and surrounding areas have occurred. On 08/01/1999, a Maricopa County Sheriff's Office (MCSO) deputy was shot and injured slightly while responding to a domestic violence call in the Sun City West area, northwest of Phoenix, AZ. On August 05, 1999, a Pinal County Sheriff's Office (PCSO), officer was found shot to death along with his ex-wife at her residence in Apache Junction, AZ. Preliminary evidence indicates that Lieutenant David Blackwell was shot in the chest by his ex-wife prior to her taking her own life. Family members and friends stated there had been some tension between the two in recent weeks and this may have led to this incident. On 08/21/1999, a Glendale Police Department (GPD) officer and a passenger were uninjured when a 17-year-old transient rammed their squad car while attempting to get away. Officer Matthew Apodaca shot and wounded the assailant.

Beginning on 03/19/1999 through 08/21/1999, eleven officers have been shot, two officers shot at and two more have been killed. Also, three officers were involved in two separate vehicle assaults. Since the death of Chandler Police Department (CPD) Officer Jim Snedigar on 04/16/1999, prosecutors in the Maricopa County Attorney's office will not accept plea bargains when someone shoots or attempts to kill a police officer.

- March 19, 1999 Tempe Police Department (TPD) Sgt. John Schaper and Officer Chuck Bridges were shot by a man who jumped out of a pickup truck and opened fire. Schaper was critically injured, but Bridges was shot in his bulletproof vest and escaped serious injury. The gunman, Brian K. Ball, was killed in the exchange.
- March 22, 1999 Phoenix Police Department (PPD) Officer Lyn Butcher escaped serious injury when she was shot during a traffic stop by a man who took her gun. Scottsdale police later shot and killed the suspect, Parviz Amin Zavosh.

- March 26, 1999** PPD Officer Marc Atkinson was killed when he was ambushed by a Mexican illegal alien teen involved in drug dealings. The assailant, Felipe Petrona-Cabanas was wounded, and is being indicted for first-degree murder and aggravated assault. Two other illegals involved were being held on lesser charges.
- Officer Atkinson was observing a local tavern where police believed drugs were being dealt in the parking lot. When the three men left the bar, Officer Atkinson followed them in quick pursuit. The officer briefly lost sight of the speeding vehicle when he turned north on 30th Avenue, near Thomas Road in Phoenix. By the time Officer Atkinson turned the corner, Petrona-Cabanas had already stopped the vehicle in the middle of the street, jumped out of the driver's seat and had drawn his .357-caliber revolver. Officer Atkinson never had time to draw his weapon, Petrona-Cabanas fired at least twice, striking Atkinson twice in the head as the officer sped by, eventually ramming his squad car into a light pole. A citizen who saw what happened, pulled to a stop behind the get-away car, got out and exchanged fire with Petrona-Cabanas, striking him once in the shoulder and collapsed, and later was taken to the hospital. The other two armed men got out of the car and tried to hide from the police, but were soon captured.
- April 09, 1999** Two PPD officers escaped uninjured after being ambushed when attempting to pull over an erratic driver. No arrests have been made.
- April 16, 1999** A Chandler Police Department (CPD) SWAT team Officer, Jim Snedigar, storming an apartment complex to arrest suspects in a jewelry heist, was fatally wounded before fellow officers killed one of the suspects with return fire at 54th Street, near Ray Road in Chandler, AZ.
- May 21, 1999** A MCSO deputy was shot in the face while he and a partner were staking out a home in the desert near New River, AZ. The location was suspected of being a methamphetamine lab or being a stolen car operation. The 62-year-old shooter stated the women he lives with heard voices and he grabbed a rifle/shotgun and aimed it at the mountain and fired three rounds, then went back to racking leaves. The shooter stated he didn't know the deputy was up there and he made a mistake.
- May 27, 1999** A teenager robbed a Phoenix bank, fled and was spotted by police helicopters that were training in the area. They observed him as he ditched his truck and attempted to commandeer an oncoming car. The robber ran to a home,

kidnaped a woman and forced her to drive him away from the area while he hid in the back seat giving orders. The woman became confused driving in a maze of residential streets until she noticed that she is headed directly toward PPD motorcycle police Officer Brian Livingston, standing next to his motorcycle.

The woman signaled to Officer Livingston, giving him just enough warning to turn to the side to become a smaller target when the teenager shot and wounded Officer Livingston. The officer moved behind his motorcycle and returned fire. The teen drove off in the direction of Eagle Ridge Elementary School in Phoenix, where about 35 children were at a day-care program. Another officer followed and shot at the teen outside the school, but the teen continued on to a playground, abandoned the car, and then turned the shotgun on himself and took his own life. Officer Livingston suffered wounds to his cheek, arm and side and is recovering.

Terry Sills, President of the Phoenix Police Officers Union stated, "Seven shootings in 10 weeks is a stat that defies stats and defies logic."

-July 03, 1999

In Surprise, AZ, a small suburban community that became a town in 1969, the first shooting of a police officer occurred early today. Surprise Police Department (SPD) Officer William Flesher was shot in the back while frisking a suspect outside a strip mall. The officer returned fire and hit the suspect at least once. The suspect fled the scene in the officer's patrol car. Another officer gave chase but lost the stolen vehicle when a tire blew out. Nine hours later, police in Wickenburg, AZ arrested the suspect and charged him with attempted first-degree murder, felony flight, auto theft, and burglary. Officer Flesher credits a bulletproof vest for saving his life. He was treated and released about five hours after the shooting.

Maricopa County Attorney, Rick Romley, stated "There's been way too many police officers shot in the valley."

-July 20, 1999

An MCSO deputy was wounded today during a raid in northwest Phoenix and a suspect was killed. Authorities stated that Deputy Mark Adam's life was probably saved by him wearing his protective vest. "The shooting was the ninth this year in which a Valley (Phoenix metropolitan and surrounding area) law enforcement officer has been shot, shot at or killed in the line of duty. The grim number this year has been more than unusual," said Sgt. Jeff Halstead, a

- PPD spokesman. Authorities can't remember when there have been so many shootings in less than seven months.
- July 21, 1999** Two PPD officers responded to a "shots fired" call at a south central Phoenix apartment complex and were wounded by shotgun blasts in what is suspected to have been an ambush. Officer Henry Mollon suffered wounds to the right hand and forearm and is being treated at a local hospital where he was reported in good condition. Police Sgt. Robert Carrillo was treated and released for a minor graze to the lip. The shooter, Manuel Esquivel-Lunar was booked on charges of aggravated assault and burglary.
- July 24, 1999** PPD officers spotted a stolen van and followed it to an apartment complex in the 500 block of North 32nd Street, Phoenix. There, a woman fell or was pushed out of the van. The driver, Charles Clayton Gannett, then turned the van around and aimed it at the police cruiser that had just arrived and had blocked his exit from the complex. As the van approached the cruiser, at least one officer fired at Gannett. Gannett then floored the van. The officers had no way of escaping and had to take the direct head on hit. The air bags in the cruiser did not deploy because the van drove over the bumper onto the hood of the car crushing the front end and pushing the cruiser back about 12 feet. Gannett then managed to back off the cruiser and revved the engine for another attempt to run at the cruiser. Fearing they were going to be struck again by the van, the driver of the cruiser, who was half out of the car at the time trying to escape, fired at Gannett. Another officer nearby as backup fired also. The van clipped the cruiser and then crashed a few blocks away. Gannett was captured and taken to the hospital with gunshot wounds to the chest and left arm. Once he is released from the hospital, he will be charged with two counts of aggravated assault, auto theft and for fleeing the police. The officers were not seriously hurt.
- August 01, 1999** An MCSO Deputy, Glenn Hansen, had a close call today when he became the latest victim in an unprecedented string of shootings that have killed or wounded local police officers. Deputy Hansen became a target for a gunman who was hiding in the desert after fighting with family members in a rural area southwest of Sun City West, northwest of Phoenix, AZ.
- It started when the subject's relatives called the Sheriff's Office on two occasions early today to report that the subject was arguing and fighting with family members.

Both times when deputies arrived, the subject was gone. While the deputies were interviewing residents in the rural area, they were called to another home where someone was seeking help. As the deputies approached that property, shots were fired and Deputy Hansen was grazed on the left side by birdshot from a shotgun. Deputies saw a shadowy figure running toward the desert. The deputies turned on spotlights and headlights and quickly spotted the subject holding a pump-action shotgun, which he threw down and then surrendered. The subject was arrested on six counts of attempted murder, because four other officers/deputies and the suspect's uncle were all standing near Deputy Hansen when the shots were fired.

-August 05, 1999

David Blackwell, a lieutenant with PCSO, was found shot to death along with his ex-wife by their 16-year-old daughter at his ex-wife's Apache Junction residence. The couple's other two children were out of state when the incident occurred. The Apache Junction (AP) Chief of Police stated "the preliminary evidence indicates that Officer Blackwell's ex-wife shot him in the chest and a short time later turned the gun on herself, taking her own life." Family members and friends told investigators that tension between the two had been increasing in recent weeks. The police chief said "the police had not been called to the home in the past and there was no evidence of previous violence, although it looks as though that tension probably led to this domestic incident."

-August 21, 1999

GPD Sgt. Matthew Apodaca and a ride-along observer were uninjured when a 17-year-old transient, with no known local address, tried to ram the side of their police vehicle. Officer Apodaca shot and wounded the assailant. Earlier, Officer Apodaca and his passenger were on patrol in the area of 67th Avenue and Beardsley Road in Phoenix. Officer Apodaca noticed a young man making a phone call at a strip mall and started driving up in his patrol car to find out why the person was out at 4 a.m. in the morning. The individual noticed their approach and jumped into the passenger side of the pickup truck and sped away. While trying to follow, Officer Apodaca lost the pickup in a residential area. Approximately 20 minutes later, the officer spotted the individual again at the mall pay phone and drove up and blocked the pickup with his patrol car. The individual jumped back into the truck and the driver started ramming the passenger side of the patrol car with the back of the truck in an attempt to get away. Officer

Apodaca and his passenger got out of the car and used it for cover. The pickup started backing up to ram them again when Officer Apodaca pulled his service weapon and fired several shots at the truck, one of which went through the cab of the pickup and struck the driver, Jeff Gaffield. The pickup then raced forward and crashed into a light pole. No other injuries were incurred. A Glendale police spokesman, Officer Brian Wilkins, said that "Gaffield has an outstanding felony warrant, which may explain why he was trying to get away."

Other notable shooting incidents that have occurred around the same time periods that were aimed at federal law enforcement officials are:

- March 09, 1999**

A U.S. Customs Service (USCS) patrol officer responded to a border intrusion alarm by driving to an embankment near the San Miguel, AZ, gate. The officer, not in uniform and driving an unmarked vehicle, saw a Mexican army humvee north of the gate, then heard a rifle shot. The shot struck the embankment the officer was standing on and two more shots passed over the officer's head. No injuries.
- April 01, 1999**

While assigned to patrolling the south end of Nelson Street in Nogales, AZ, a U.S. Border Patrol (USBP) agent heard what he thought to be a "cherry bomb." The agent heard another loud noise and then a bullet flew by his position. The agent radioed that he was receiving fire and moved to a safer location. A total of four shots were fired, the agent did not return fire, nor was he injured.
- April 16, 1999**

A USBP agent was outside of his vehicle four miles east of the Columbus, New Mexico Port of Entry when he was shot twice in the chest. The shots appeared to be coming from the Mexican side of the border. The agent returned fire as he returned to his vehicle and was shot again in the back, fortunately he was wearing his bulletproof vest and only suffered bruises. The agent called for backup and the shooting stopped.
- July 18, 1999**

Three apparent sniper attacks, possibly by the same gunman, within a 45-minute period were aimed at USBP agents from El Centro, California (CA), working near the Mexico and California International Border. The first incident was reported at approximately 10:45 P.M. when a USBP agent observed a group of potential illegal aliens and a suspected smuggler on the Mexico side of the border prepare for a possible raft crossing just west of Calexico, California. When the agent got out of his vehicle to

investigate, a flashlight was shined at him and a shot was fired and the bullet passed by the agent. The second incident happened about 15 minutes later near the All-American Canal just west of Calexico, CA when the agent observed a muzzle flash and heard a weapon being discharged from Mexico toward his location. The third incident occurred near the Calexico International Airport at approximately 11:30 P.M. when an agent assigned to the west fence area heard three shots from what sounded like a large-caliber handgun being fired into the U.S. No further information as the investigations are continuing.

There have been one hundred fifty-one (151) documented incidents from January 1, 1999 to date, involving violence toward federal law enforcement officers along our southern border. Most of these incidents have been rock throwing, laser beaming, vehicle assaults, physical assaults, and shots fired at officers.

Mr. MICA. Thank you. We will get back to questions after we hear from the other witnesses. Next, Mr. Dennis—is it “Usrey”?

Mr. USREY. “Usrey,” yes, sir.

Mr. MICA. “Usrey,” OK. The Director of the Southwest Border HIDTA, from San Diego. You are recognized, sir.

Mr. USREY. Thank you, Mr. Chairman. Chairman Mica, Representative Mink, other distinguished members of the subcommittee and certainly the Border Caucus who have shown their interest here today, it is indeed an honor to testify before you. And I want to thank the committee for the opportunity to discuss the drug threat along the Southwest border.

Your interest and support for this vital region of our country is evident, and sincerely appreciated. I have some more remarks I would like to offer, and I also have prepared a written statement which, with your permission, I would like to provide for the record.

Mr. MICA. Without objection, that will be made part of the record.

Mr. USREY. Thank you. I have served as the Director of the Southwest Border HIDTA since 1995. Part of that time, I served as the first Director of the San Diego and Imperial County Narcotic Information Network, a HIDTA sponsored and funded intelligence center. I have had the opportunity to observe the positive impact of this program, but I am not here claiming success; only to say that we have made progress along a very long and difficult journey. Much is yet to be done.

We operate with the premise that drug trafficking across the Southwest border affects not only our communities, but also the entire Nation. The Southwest border marks the end of a transit zone for South American cocaine, Mexican and Colombian heroin, marijuana, methamphetamine and, importantly, the chemicals that are used to manufacture methamphetamine. The Southwest border region has long been burdened with smuggling and drug-related crime and violence.

Since designation in 1990 as a HIDTA, the Southwest border has taken an innovative approach to drug law enforcement. As one of the original gateway HDTAs, the Southwest border is unique in its progress in integrating the efforts of 86 local, 17 State, and 12 Federal drug enforcement agencies.

Throughout its 9 years of operation, and especially since the reorganization into the five regional partnerships in 1995, the Southwest border HIDTA has achieved an array of successes. Several examples are detailed in my written testimony, and you will hear others today, and have heard others.

Funded at \$46 million for fiscal year 1999, the Southwest border HIDTA supported 84 intelligence, enforcement, interdiction, prosecution, and support initiatives within the 45 designated counties located in the four border States of California, Arizona, New Mexico, and Texas.

The Southwest border is a collaborative venture involving local, State, and Federal law enforcement agencies that develop and implement regional threat assessments and strategies to reduce drug trafficking. This program is responsible for providing for a coordination umbrella for joint operations, instituting team work through continuous joint planning and implementation of enforcement oper-

ations, and providing for the promotion of equal partnerships amongst Federal, State, and local law enforcement agencies. And I think it is unique in that context.

Notwithstanding the successes of this program, the work is not over. Law enforcement agencies along the border need your continued support, if we are to make substantial and long-lasting impact on the problem. The entire criminal justice infrastructure at every level of government is severely taxed and unable to keep pace with the demands of enforcing the law along our border.

Interdiction is primarily a Federal responsibility, but it cannot be successfully accomplished without State and local participation. These agencies do not shy away from the responsibilities in providing this assistance, but need additional resources to meet their many responsibilities.

The Southwest border was quick to realize that the total infrastructure of narcotics law enforcement has to keep pace. The HIDTA program's initial emphasis on investigations and interdiction resulted in the impact in other areas of the criminal justice system; most specifically, prosecutions and jails.

For example, increased emphasis and resources directed to interdiction initiatives at and between the ports of entry produced numbers of defendants that soon overloaded the ability of the U.S. Attorney's Office to prosecute. As a result, prosecutions initiatives were developed by the HIDTA to bring into play cross-designated local and State prosecutors to close this gap, by handling the dramatic increase in cases as a result of the enforcement efforts. For instance, the local prosecutors in San Diego at the D.A.'s office are prosecuting close to 2,000 cases per year, which can be primarily attributed to border interdiction efforts.

It is likewise important to recognize that there must be sufficient detention facilities capable of handling the increased number of defendants as a result of the HIDTA enforcement initiatives. Often, defendants have to be lodged in facilities a substantial distance from the jurisdiction. I know we have prisoners from California housed in Texas for periods of time. And, you know, the logistics of that is mind-boggling, to say the least. Often, in more extreme cases, operations have been delayed until adequate jail space can be obtained for the people to be arrested.

In summary, the agencies engaged in this effort have benefited greatly from the support you have already provided. The HIDTA program has increased in effectiveness and cooperation. However, our work is not done. As you have already heard, additional manpower, technology, and equipment are needed by the men and women who defend this Nation's border in a very difficult and dangerous environment.

Thank you for this opportunity, and I look forward to your questions.

[The prepared statement of Mr. Usrey follows:]

**Statement by Mr. Dennis Usrey,
Director of the Southwest Border High Intensity Drug Trafficking Area
Office of National Drug Control Policy**

House Committee on Criminal Justice, Drug Policy and Human Resources

September 24, 1999

Good morning, Mr. Chairman and distinguished members of the Subcommittee. It is indeed an honor to be here today to have the opportunity to testify on the problem of drug trafficking along our Southwest Border. It is as equally gratifying for me to provide this distinguished Subcommittee with an overview of the Southwest Border High Intensity Drug Trafficking Area's proactive response to this problem.

1. Environment: The Southwest Border High Intensity Drug Trafficking Area's (SWB HIDTA) location continues to be the key to understanding and appreciating the importance of this critical area while attempting to evaluate the drug threat to both the region and the nation as a whole. Mexico's strategic location next to the United States determines that the Southwest Border will remain vitally important to the drug trafficking organizations that smuggle heroin, cocaine, methamphetamine, marijuana and other controlled substances into this country.

- The Southwest Border remains the preferred corridor to smuggle cocaine and Mexican grown and manufactured illegal drugs into the United States.
- The heroin threat from Mexico appears to be increasing. Mexican heroin dominates the market west of the Mississippi and represents about 14% of the heroin seized in the United States.
- Mexico remains the number one foreign producer and supplier of marijuana and methamphetamine to the United States.
- Cocaine trafficking organizations continue to use Mexico as a viable alternative to the routes in the Caribbean; these organizations facilitate the movement of between 50% - 60% of the approximate 300 metric tons of cocaine consumed in the United States annually.
- Mexico remains a major drug transshipment country whose illicit drug trade is dominated by powerful and violent drug cartels.
- Mexico's porous border, coupled with the daunting volume of legitimate cross-border traffic, provides near limitless opportunities for the smuggling of illicit drugs into the United States.
- Mexico remains as a major hub for the recycling of drug proceeds.

The SWB HIDTA is one of the largest and unquestionably the most diverse of the twenty-six designated HIDTAs. It is divided into five regional Partnerships, which encompass areas of the four border-states of California, Arizona, New Mexico and Texas. These Partnerships can be identified as follows:

California Border Alliance Group
Arizona Alliance Planning Committee
New Mexico HIDTA
West Texas HIDTA
South Texas HIDTA

Within the SWB HIDTA's area of responsibility there are 45 counties within 5 Federal Judicial Districts. It should be noted that 4 additional counties are pending approval for designation as HIDTA counties. The SWB HIDTA shares nearly two thousand miles of international border with the Republic of Mexico's border states of Baja California Norte, Sonora, Chihuahua, Coahuila, Nuevo Leon and Tamaulipas. This strategically situated HIDTA encompasses an area from the Pacific Ocean at San Diego to Brownsville, Texas, on the Gulf of Mexico. The SWB HIDTA stands astride an infamous drug pipeline located between the rest of the United States and the major drug producing countries of Latin America (Mexico, Colombia, Peru and Bolivia). Located at key points along this international border are 24 ports of entry (POEs), four of which (San Ysidro/Tijuana, El Paso/Ciudad Juarez, Calexico/Mexicali and Laredo/Nuevo Laredo) remain among the busiest in the world

There are significant transportation networks located both in northern Mexico and the SWB HIDTA region. Included are international airports, railroads and major United States and Mexican highway systems that greatly facilitate the smuggling, delivery and subsequent distribution of drugs to other HIDTA areas throughout the country. Additionally, these systems likewise facilitate the movement of drug proceeds, usually in the form of currency, out of the United States. The HIDTA Intelligence Centers and the El Paso Intelligence Center (EPIC) continue to express concern over the impact of the North American Free Trade Agreement (NAFTA) and how the drug trafficking organizations can potentially take advantage of the increased commercial traffic envisioned by this program to mask their illegal endeavors.

Drug trafficking organizations remain very adept at responding and reacting to law enforcement efforts at, as well as between, the numerous ports of entry. Traffickers monitor threshold amounts used by prosecutors; select underage or senior couriers; vary load size; shotgun numerous small loads of drugs through the ports of entry; conduct counter surveillance of law enforcement personnel; acquire and utilize secure forms of communication equipment; and use every conceivable method of concealment to smuggle illicit drugs into the United States.

The SWB remains a major transit area for the movement of drug proceeds in the form of currency. Federal Reserve banks located in proximity to the SWB continue to report large cash surpluses. Intelligence as well as investigations confirms efforts by drug traffickers to transport considerable amounts of currency into Mexico in bulk form by simply driving it across the border. This currency is then brought back through the ports of entry where it is declared with the United States Customs Service. The total currency legally declared to the USCS via the Currency and Monetary Instruments Report (CMIR)

along the SWB for FY-1998 amounted to \$2,250,371,338. Once legally in the United States, the currency is deposited into the legitimate U.S. banking system.

Given the facts enumerated above, it is not difficult to comprehend why the SWB continues to be the preferred corridor to smuggle illicit drugs into the United States. These facts also support the rationale behind the 1999 National Drug Control Strategy objective to improve the coordination and effectiveness of the U.S. drug law enforcement programs with particular emphasis on the SWB.

2. Mission Statement: The mission of the SWB HIDTA is to develop joint, seamless regional systems resulting in coordinated interdiction, intelligence, investigation and prosecution efforts which result in a measurable reduction in drug trafficking. The SWB HIDTA seeks to make an impact on drug smuggling in the region and the nation and implement the National Drug Control Strategy.

3. Overall Concept of the Strategy:

a. Structure: The SWB HIDTA is unique in structure when compared to the other HDTAs. As one of the original Gateway HDTAs, the SWB HIDTA is divided into five regional Partnerships: Southern California, Arizona, New Mexico, West Texas and South Texas. Each Partnership has its own Executive Committee, comprised of federal, state and local law enforcement heads in their regions, and employs a Director to assist their respective committees in the implementation of the National Drug Control and SWB HIDTA strategies. The Director of the SWB HIDTA and a small staff, located at San Diego, California, supports the Southwest Borderwide HIDTA Executive Committee and provides programmatic oversight and management of the HIDTA Program along the SWB. The duties and responsibilities of the SWB HIDTA Director are in the process of being formally defined in a Standard Operating Procedure. Upon agreement and completion, the SWB Executive Committee will approve this document with the concurrence of the National HIDTA Director, Office of National Drug Control Policy. These responsibilities include the overall coordination and implementation of the HIDTA Program throughout the region. This office provides guidance in the preparation of the regional threats, strategies, HIDTA-funded initiatives and the Annual Report. Compliance with the overall objectives of the HIDTA Program is ensured by the borderwide HIDTA which renders assistance to the Partnerships through training in the preparation of threat assessments, strategies and initiatives. The SWB HIDTA also provides for the implementation of an evaluation program coordinated with the National HIDTA Program Office, Bureau of State and Local Affairs, ONDCP. The Director of the SWB HIDTA continues to represent this borderwide HIDTA by actively participating in related committees such as the Southwest Border Council, Senior Management Team of the Southwest Border States Anti-Drug Information System, Advisory Board of the National Interagency Counter-Drug Institute (NICI), Border Technology Research Center and Operation Alliance. Each of the SWB HIDTA Partnerships

has prepared individual strategies, which were approved by their respective Executive Committees. The Partnership strategies follow this section.

b. Composition: Regular membership of the Southwest Borderwide HIDTA Executive Committee is comprised of the Chair and Vice-Chair or other senior member of each Partnership Executive Committee. Additionally, each Partnership Director serves as an ex-officio member of this borderwide committee. The Executive Committee has equal federal and state/local representation. Other leaders along the border are invited to participate in committee meetings to assist with specific issues as necessary. In FY 2000, the SWB Executive Committee will accomplish the following functions:

- Support the multi-agency planning and coordination process by sharing regional plans and strategies among the Partnerships and by identifying opportunities for jointly planned and coordinated operations with adjoining Partnerships.
- Encourage regional planning of HIDTA supported enforcement operations which result in the presentation of a coordinated and united front along the border.
- Support the integration of intelligence systems.
- Resolve issues and establish policies relating to the management and coordination of the HIDTA effort along the Southwest Border.
- Advocate the National Drug Control Strategy and represent the five partnerships on matters of mutual concern.
- Provide oversight and supervision of the SWB HIDTA office and borderwide initiatives.

Likewise, each of the individual Partnerships has an Executive Committee, comprised of the heads of various federal, state and local enforcement agencies from their respective areas. There is an elected Chairperson and Vice-Chairperson who change on an annual basis with the Vice-Chair usually assuming the role of the Chair. These positions routinely alternate between federal and state or local agency personnel. Each of the Partnerships has a Director who is selected and hired by its Executive Committee with the confirmation of ONDCP. These Executive Committees enact the multi-agency concept and significantly increase the cooperative planning and execution of HIDTA supported initiatives. As a result of their pro-active participation, these Executive Committees also afford an excellent forum for resolution of non-HIDTA issues affecting drug law enforcement along the SWB. Furthermore, each Executive Committee establishes and empowers a regional intelligence center to enhance information sharing, cross-case analysis and deconfliction. These committees will continue to undertake regional planning as well as monitor the performance of their HIDTA funded initiatives.

c. Unity of Effort: The HIDTA Program takes a strategic posture to combat drugs trafficking in those areas of the country most impacted by drugs. The SWB

Strategy presents an approach to solving the existing major aspects of the drug problem along the approximate 2,000-mile international border with the Republic of Mexico. This Strategy serves as a commitment to long term planning to pursue the necessary resources for vital counterdrug programs. By developing threat assessments, strategies to counter this threat and initiatives to execute the strategy, the SWB HIDTA positions available resources where they can have the most impact on this country's drug problem.

The SWB HIDTA Strategy offers a common framework for federal, state and local law enforcement agencies in a unified, multi-agency counterdrug effort. One of its most important purposes is to ensure that the concerned law enforcement agencies are guided by the goals and objectives of this Strategy in their planning process, budget submissions and program execution. The SWB HIDTA Director and staff, in support of the SWB Executive Committee, conducts fiscal and programmatic reviews of HIDTA funded initiatives to ensure that each Partnership and its participating law enforcement agencies fully achieve their strategic goals. This Strategy continues to stress the need for the development of a joint seamless regional system that results in a complete approach to the coordination of interdiction, intelligence, investigative and prosecution efforts.

The SWB HIDTA will continue to use the specific priorities and expertise of the involved agencies to attack the full breadth of major drug trafficking activity, from production to distribution. Through the integration of investigations, interdiction and intelligence, the multi-agency task forces will target the most significant drug trafficking organizations and their supporting infrastructures that have been identified as posing the most serious threat. Intelligence driven targets will be emphasized. The initiatives will utilize a variety of investigative techniques, including, but not limited to, electronic surveillance, undercover operations and nationwide controlled deliveries. HIDTA funded financial task forces will continue to address financial investigation of the most significant drug money laundering organizations. Likewise, prosecution initiatives will focus on prosecution of significant drug traffickers and will be coordinated between federal and state prosecutorial entities to ensure that the most effective venues are selected. Furthermore, the SWB HIDTA will vigorously support efforts to combat corruption as well as encourage the development of productive, efficient and secure relations with counterpart law enforcement agencies in the Republic of Mexico.

- **Intelligence:** In keeping with the National Drug Strategy as well as the most recent HIDTA Program Guidance, the SWB Strategy continues to emphasize the necessity of integrated and unified intelligence support. This Strategy recognizes that the integral key to successful strategic law enforcement planning is the timely use of intelligence at both planning and field operation levels. The goal of this Strategy is to provide current, fused intelligence and improved targeting to investigation and interdiction efforts. In keeping with this goal, the Strategy articulates and emphasizes the need for a completely integrated

and unified intelligence support system, both within each Partnership and across the southwest border as a whole. There will continue to be increased emphasis on improved intelligence collection, intelligence collection management, analysis, targeting and dissemination capabilities within and among law enforcement agencies, HIDTA supported multi-agency task forces and the El Paso Intelligence Center (EPIC). Achievement of the above, will result in a more focused and intelligence based approach to investigations, interdiction operations and enhanced prosecutions.

The SWB HIDTA will continue to develop, foster and enhance this relationship with the tangible goal of developing a borderwide intelligence architecture to support law enforcement along the southwest border. HIDTA wide regional intelligence conferences will continue to be sponsored by the SWB HIDTA. These conferences will be attended by the Regional Intelligence Centers, representatives of the border states systems and EPIC. Though no longer responsible for the development of a borderwide threat assessment, EPIC will continue to provide strategic and tactical intelligence to the SWB HIDTA as well as the Partnerships through intelligence bulletins, daily teletypes, Operation Jetway and Pipeline reports. The National Drug Intelligence Center (NDIC) has now assumed the responsibility for developing a comprehensive southwest border threat assessment that takes the individual Partnership assessments into consideration. Each Partnership continues to develop a threat assessment that is unique to their area, but includes information received from their Regional Intelligence Centers, EPIC and NDIC. This results in a more viable and meaningful threat assessment that can be updated on a continual basis. The Southwest Border Unit at EPIC, with HIDTA support, continues to enable EPIC to focus resources on drug intelligence issues affecting the southwest border with particular emphasis on dissemination of information concerning Gatekeepers; the Southwest Border Land Identification Program and the Commercial Carrier Program.

Existing intelligence initiatives are continuing to improve and mature as evidenced by their ability to provide more sophisticated services to operational enforcement entities. The Joint Drug Intelligence Group (JDIG)/Arizona Center in Tucson; the New Mexico Intelligence Center; the San Diego/Imperial County Regional Narcotics Information Network (NIN); the West Texas Regional Intelligence Clearinghouse and Drug Intelligence Unit; and three complimentary intelligence support centers located at San Antonio, Laredo and Brownsville in the South Texas HIDTA serve as examples.

These regional intelligence centers will strive to provide responsive deconfliction, pointer index, case support, intelligence fusion and predictive analysis as set forth in the guidelines. They will also develop verifiable drug intelligence that reflects major changes undertaken by traffickers to counteract the implementation of the HIDTA Strategy, e.g., communications, movement of drugs or drug related money laundering security. This information will be important in operational

planning, evaluation and the preparation of the required HIDTA documentation. The accomplishment of these mid- to long-term goals however will vary from Partnership to Partnership. All HIDTA funded interdiction and investigations will be coordinated with the intelligence centers. Where Partnerships have established regional coordination centers the SWB Strategy calls for a close, effective relationship with the intelligence centers.

A major goal of the SWB Strategy continues to be the facilitation of sharing pertinent intelligence information between the regional intelligence centers and HIDTA supported task forces. The timely exchange of this information with EPIC, as well as a number of other agency and State intelligence data communications systems, is crucial to the success of the HIDTA funded initiatives. The optimal result should be the delivery of prompt, actionable intelligence to the investigative and interdiction activities. Intelligence driven investigations and interdiction operations, coupled with aggressive prosecutorial efforts, targeting major and secondary level drug trafficking organizations will result in a reduction of illicit drugs reaching other HIDTA areas. This remains a basic element of the strategy which both the SWB HIDTA and its Partnerships support.

The SWB HIDTA will continue to assist the Partnerships in obtaining military resources for HIDTA funded task forces and initiatives. In furtherance of this assistance, the SWB HIDTA will maintain an ongoing dialogue with Operation Alliance and JTF-6 regarding the need for these resources. Furthermore, the SWB HIDTA will work to resolve issues and establish policies regarding military support to operations within the four-state border area.

- **Investigation:** The SWB HIDTA will promote investigative activities which are pursued based on intelligence, enforcement operations, surveys of financial activity and data, confidential information, undercover operations, electronic eavesdropping and pen register data and other discoveries made during the course of enforcement activity.

As a norm, investigative and prosecutive elements will combine in a collocated, multi-agency task force setting in order to pursue investigation of targeted drug trafficking organizations. The SWB HIDTA will continue to acquire viable evidence in furtherance of racketeering, continuing criminal enterprise and forfeiture case development involving drug trafficking, money laundering and integrity violations. The OCDETF and HIDTA Programs remain complementary vehicles for achieving synergy to aid investigative and prosecutive efforts. The SWB HIDTA continues to emphasize the importance of a close working relationship with OCDETF and supports ONDCP's policy of developing OCDETF level investigations in the HIDTA task forces.

Disruption and dismantlement of drug trafficking organizations can be accomplished through conviction and imprisonment of the organizations'

managers, forfeiture of assets and by preventing the remaining members of these organizations from restoring their capacity to function. These actions are primarily investigative driven and dependent on multi-agency participation, functional intelligence centers, strategic deployment of special operations of the border enforcement agencies and support of the National Guard, Department of Defense (DOD) and specialized support groups such as Financial Crimes Enforcement Network (FinCEN).

The continued seizures of clandestine methamphetamine laboratories coupled with pro-active attempts to control the sale and distribution of precursor chemicals remains a significant component of the SWB Strategy given the recognized threat to the Partnerships. Multi-Agency clandestine laboratory enforcement groups, continued support for the establishment of a National Clandestine Laboratory Seizure database located at EPIC, the successful California Precursor Committee and California's innovative Drug Endangered Children Program are approaches supported by this Strategy.

Significant progress in attacking drug trafficking organizations cannot occur unless the United States continues to take a pro-active stance in preventing, detecting and enforcing laws against money laundering. Each of the Partnership threat assessments recognizes the serious nature and impact of money laundering and includes it as one of the elements of the Strategy.

The potential for corrupt officials in law enforcement on both sides of the border is a constant and recurring theme when identifying potential threats to successful drug enforcement efforts along the southwest border. Intelligence and investigative efforts will continue to be directed at detecting and identifying corrupt U.S. and Mexican officials for prosecution, bi-national cooperation and intelligence purposes. The South Texas Multi-Agency Drug Related Public Corruption Task Force serves as an example of an excellent collaborative investigative effort. These types of initiatives will continue to be supported to the extent possible by the SWB HIDTA.

- **Interdiction:** Viable interdiction initiatives continue to remain the cornerstone component of the SWB Strategy. Interdiction results in drug seizures, which reduces the amount of illegal drugs available to supply the regional as well as the U.S. market. Additionally, a successful interdiction program creates a deterrent effect by raising the risk faced by the smugglers and traffickers. Interdiction seizures create investigative and intelligence opportunities which must be exploited.

Interdiction operations, when properly executed, disrupt production and distribution pipelines making drug trafficking more risky and costly. Specifically, interdiction:

- decreases the profit margins of the drug trafficking organizations;
- serves as a deterrence for potential traffickers; and
- helps law enforcement attack narcotics trafficking organizations, arrest traffickers and seize their assets.

For purposes of this strategy, interdiction includes patrol, surveillance, detection, inspection, searches, tracking, interception, controlled deliveries and seizures. The location may be at or between ports of entry, at inland checkpoints, on highways or incident to arrests. These operational components, when integrated with intelligence, investigative and prosecutive capabilities, constitute the system contemplated by the SWB Strategy. Successful examples of this strategy implementation are the East San Diego County Initiative, Operation Cobija and the New Mexico DPS Narcotics Interdiction Initiative.

The interdiction element of the SWB Strategy calls for intelligence based coordinated multi-agency operations along the border. Special interdiction operations such as Operation Cobija serves to facilitate southwest border wide counterdrug operations involving interdiction, investigations, and intelligence resources to detect, deter, deny and disrupt the illegal flow of drugs and associated contraband across the Southwest/Mexico border, and through the four border states. These operations can force drug traffickers into choke points as well as exploit opportunities for controlled deliveries of drugs to inland distribution centers for further disruption of trafficker operations.

The SWB Strategy supports focused interdiction operations such as the West Texas Stash-House Initiative, which concentrates on the transportation and storage functions of major organizations involved in the importation of drugs. To be effective, the response to the threat of drug smuggling must extend beyond simply seizing drugs as they enter the United States. Each seizure should be part of an overall goal to prosecute targeted criminal organizations posing the greatest threat to the region and the country.

This Strategy will continue to support the development of a plan to coordinate interdiction operations in and between HIDTA regions through the use of the Regional Coordination Center (RCC) concept. Established links between the RCCs and the RICs will be maintained in order to ensure that information is shared in a timely fashion.

The SWB HIDTA will continue to support specialized training including the development, planning, coordination and facilitation of multi-agency interdiction efforts. Special operations and HIDTA funded task forces include military support to conduct pre- and post-seizure analysis and disseminate the intelligence throughout the SWB HIDTA. Several regional coordination centers have been established by the Partnerships to plan and coordinate interdiction operations that are also linked to the regional intelligence centers and investigative resources in the area. Likewise, these efforts are further coordinated between Partnerships and

regions to ensure the most effective use of resources. Examples are the Law Enforcement Coordinating Center at El Centro, California and the Arizona Alliance Planning Committee at Tucson, Arizona.

Continued emphasis will be placed on extending investigations from interdiction to and through the transportation and delivery stages, allowing the identification, apprehension and conviction of the mid-level and upper echelon managers of international drug smuggling organizations. Examples of these types of efforts include the Hotel/Motel Initiative in West Texas, the Drug Courier Apprehension Initiative at San Antonio, and the Marine Task Force and Commercial Interdiction Initiatives at San Diego.

Terrain denial, another aspect of interdiction, will continue based on the best available intelligence, using interdiction task forces to deny large areas of the border to smugglers. This action will force drug traffickers to use less preferred trafficking routes, thereby deterring and disrupting normal patterns of operation. It will deprive these traffickers of significant profits due to arrests and seizures.

An important element of the Strategy and one that is often overlooked in the coordinated planning of multi-agency interdiction initiatives, is that law enforcement planners must take into consideration predicted reactions of the trafficking organizations to enforcement measures. The SWB HIDTA will continue to support intelligence collection capabilities that predict and plan for these trafficker reactions.

- **Prosecution:** Ensuring that prosecutive actions are coordinated and designed to advance the national objectives, i.e., to dismantle the most significant drug trafficking and money laundering organizations, is crucial to the overall success of the SWB Strategy. Collocation of prosecutors with key task forces, while not always possible, remains a goal that is given high priority as it ensures early input of the prosecutors in long term, complex investigations. Early involvement of prosecutors will also address a key element of the Strategy in that the prosecution of major traffickers takes place in the most beneficial venue thus offering the greatest opportunity for conviction.

The cross-designation of prosecutors will result in more effective use of prosecution resources and provide needed experience where resources are limited or where there are numerous defendants due to successful law enforcement operations. These HIDTA funded local prosecutors have proven very successful as they have “closed the gap” by prosecuting drug smugglers in state court who intentionally transport drugs into the U.S. in quantities below the minimum federal threshold. This serves to provide a true deterrent to repeat offenders who attempt to avoid prosecution.

The successful prosecution of major drug traffickers who are responsible for much of the drug problem faced by this region and the nation is one of the most

important elements of this borderwide strategy. Unquestionably, it will have an impact on the success of the initiatives submitted by this HIDTA.

- **Support:** The HIDTA Program is currently responsible for measuring results, i.e., measurably reducing drug trafficking in designated critical areas and maintaining effective management controls.

In keeping with the Government Performance and Results Act, primary evaluation will be based on the overall accomplishments of established HIDTA objectives, output and outcomes. Common standards based on the degree to which intelligence is systematically shared among agencies will be used to measure the degree of cooperation and coordination in a HIDTA. The overall indicators are:

- The impact of dismantling or severely disrupting the most significant national, regional and local drug trafficking organizations (particularly those having a harmful impact on the rest of the country) as portrayed in the baseline threat assessment.
- Verifiable drug intelligence or data which reflects major changes undertaken by drug traffickers to react to actions resulting from the implementation of the HIDTA Strategy. This includes significant increases in difficulty of communications; movement of drugs or drug related money, security or changes in the economics of drug trafficking.
- Traditional statistical information such as conviction, seizure and treatment data.
- The impact on drug-related crime in the SWB HIDTA area.

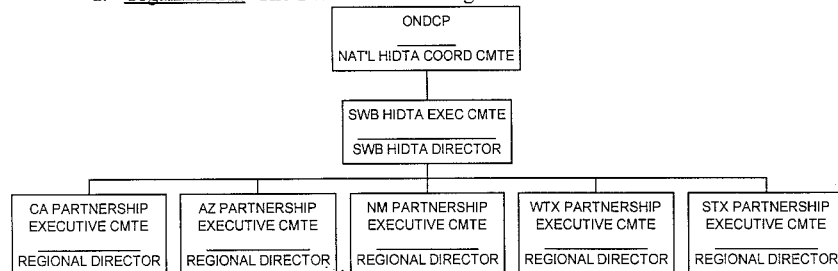
The SWB HIDTA will facilitate the objective measurement of the SWB Partnerships' progress in meeting the stated objectives. Regular assistance visits to the Partnerships will evaluate the progress of the funded initiatives in meeting their stated outputs and outcomes, and verify programmatic compliance.

The SWB HIDTA will:

- Form a cohesive and mutually supportive management team with the SWB Executive Committee, the Partnerships' Executive Committees and Partnership Directors for coordination and management of the SWB HIDTA region.
- Promote regional cooperation along the southwest border, including information sharing and regional planning.
- Develop the borderwide threat and strategy that will serve as the key documents for a unified and coordinated effort to stem the flow of illegal drugs into the U.S. and concomitant laundering of profits derived from this illicit trade.
- Develop borderwide initiatives, which focus on intelligence sharing and coordination of borderwide operations.

- Review the Partnership initiatives to ensure that the submissions meet ONDCP Program Guidelines for content and format. Resolve potential issues with the Directors via screening questions prior to submission to ONDCP. Publish and transmit hard and digital copies of the initiatives and budgets. Maintain current, updated and correct digital versions of initiatives and budgets for use in resolving discrepancies between the various echelons of HIDTA management.
- Develop a detailed and comprehensive borderwide Annual Report that reflects the combined impact of the HIDTA Program along the southwest border.
- Provide policy guidance and support national directives to implement the national and SWB HIDTA Program. Promulgate ONDCP policy guidance, with any required implementation instructions for the SWB HIDTA.
- Maintain fiscal and programmatic accountability for the SWB HIDTA.
- In coordination with the Partnership Directors, exercise fiscal and programmatic oversight and evaluation for the SWB HIDTA to ensure HIDTA funded initiatives and programs are consistent with the goals and objectives of ONDCP and the SWB HIDTA Executive Committee.
- In concert with the Partnership Directors and their respective Executive Committees, identify those initiatives which are having a significant impact and recommend that ONDCP allocate, add or divert funding to expand or export their efforts to other HIDTAs.
- In collaboration with ONDCP and the HIDTA Assistance Center, establish databases, policies and procedures to facilitate sound management of funds and administrative communications.
- Facilitate the flow of information and cooperation between the HIDTA and non-HIDTA agencies and activities including OCEDEF, Operation Alliance, Southwest Border States Anti-Drug Information System, JTF-6 and others.
- Adhere to the guidance of the National HIDTA Office in supporting programs that reduce demand for drugs.

d. Organization: The SWB HIDTA is organized as indicated below.



4. Operational Task Forces:

SWB HIDTA Borderwide Operational Task Forces/Initiatives ☐ FY 2000

Southwest Border HIDTA	Intelligence	Investigation	Interdiction	Prosecution	Support
Clandestine Lab Seizure System, Phase IV-EPIC	•				
SWB Unit Initiative, Research & Analysis Section-EPIC	•				
SWB HIDTA Management & Coordination Initiative					•
California Border Alliance Group	Intelligence	Investigation	Interdiction	Prosecution	Support
Customs Intelligence Group (Op. Alliance HIDTA Intel. Grp.)	•				
SD/IC Regional Narcotic Information Network (NIN)	•				
Regional Computer Forensics Laboratory	•				
CBAG Methamphetamine Initiative		•			
Commercial Interdiction Unit		•			
Major Mexican Traffickers		•			
National Methamphetamine Chemical Initiative		•			
Operation Alliance Joint Task Force (San Ysidro)		•			
San Diego Financial Task Force		•			
San Diego Violent Crime Task Force		•			
East San Diego County Initiative			•		
Imperial Valley Drug Coalition			•		
Marine Task Force			•		
Combined Border Prosecutions Initiative				•	
CBAG Executive Committee (CBAG Support)					•
CBAG Demand Reduction Initiative					•
CBAG Strategic Technology Initiative					•
HIDTA Investigative Narcotic Operations Support					•
Arizona Alliance Planning Committee	Intelligence	Investigation	Interdiction	Prosecution	Support
Arizona HIDTA Center	•				
Phoenix Joint Drug Intelligence Group (JDIG)	•				
HEAT (HIDTA Enforcement Agencies Task Force)		•			
HIDTA Investigative Narcotic Technical Support Center (HINTS)		•			
HIDTA Metro Intel. Support & Tech. Investigative Ctr. (MISTIC)		•			
Maricopa County-HIDTA Methamphetamine Task Force		•			
Metro. Area Narcotics Trafficking Interdiction Squads (MANTIS)		•			
Multi-Agency Surveillance Team (MAST)		•			
Phoenix Financial Task Force		•			
Pima County HIDTA Investigative Task Force		•			
Pinal County Multi-agency Drug Task Force		•			
Southern Arizona Border Initiative (SABI)		•			
Southern Arizona Safe Trails Initiative (SASTI)		•			
Tucson HIDTA Financial Task Force		•			
Border Anti-Narcotics Network (BANN)			•		
Cochise County Border Alliance HIDTA Task Force (BAG)			•		
Santa Cruz County Drug Enforcement Unit			•		
Southwest Border Alliance SBA			•		
Arizona HIDTA (Arizona Alliance Planning Committee-AAPC)					•
Arizona HIDTA Regional Training Center (AHRTC)					•
DFW/Arizonans for a Drug Free Workplace					•

New Mexico Partnership	Intelligence	Investigation	Interdiction	Prosecution	Support
New Mexico Intelligence Center	•				
New Mexico Border Operation Task Force		•			
New Mexico DEA HIDTA Task Force		•			
Region I Multi-Agency Drug Task Force		•			
Region II HIDTA Narcotics Task Force		•			
Region III Multi-Jurisdictional Drug Task Force		•			
Region VI Drug Task Force		•			
Southwestern New Mexico Task Force		•			
New Mexico DPS Narcotics Interdiction			•		
New Mexico Enhanced Linewatch Operations			•		
Regional Interagency Drug Task Force			•		
Operation "Up the Ladder"				•	
New Mexico HIDTA Management & Coordination					•
New Mexico Regional Coordination & Logistics Center					•
Southern Crime Laboratory					•
Southern New Mexico HIDTA Law Enforcement Center					•

West Texas Partnership	Intelligence	Investigation	Interdiction	Prosecution	Support
West Texas HIDTA Intelligence Initiative	•				
Alpine HIDTA Multi-Agency Task Force		•			
El Paso Multi-Agency Task Force		•			
Southwest Fugitive/Violent Offender Task Force		•			
West Texas HIDTA Financial Disruption Task Force		•			
West Texas HIDTA HIJACK Initiative		•			
Operation Lone Star			•		
West Texas HIDTA Hotel/Motel Initiative			•		
West Texas HIDTA Smuggling Initiative			•		
West Texas HIDTA Stash House Initiative			•		
West Texas HIDTA Prosecution Initiative				•	
West Texas HIDTA Administration					•

South Texas Partnership	Intelligence	Investigation	Interdiction	Prosecution	Support
South Texas HIDTA Intelligence Center	•				
Texas Narcotics Information System/Analyst Section	•				
Unified Narcotics Intelligence Task Force (UNIT)	•				
Brownsville HIDTA Investigative Task Force		•			
Eagle Pass Multi-Agency SWB HIDTA Investigative Task Force		•			
South Texas HIDTA Del Rio Task Force		•			
South Texas HIDTA Laredo Initiative		•			
South Texas HIDTA McAllen Initiative		•			
STX Multi-Agency Drug Related Public Corruption Task Force		•			
Unity Task Force		•			
South Texas HIDTA San Antonio Initiative			•		
South Texas HIDTA Director's Administrative Support Element					•

5. SWB HIDTA Funding Summary:

	2000	1999	1998	1997	1996	1995
Arizona	11,095,859	11,095,859	9,062,826	8,013,470	7,727,360	8,019,138
So. Calif.	10,407,701	10,407,701	8,938,711	8,188,704	7,861,592	8,134,300
New Mexico	7,558,121	7,558,121	5,711,143	5,711,147	5,991,941	6,718,781
South Texas	8,028,928	8,028,928	7,283,995	7,283,992	7,002,178	6,990,617
West Texas	7,480,521	7,480,521	6,474,455	6,474,454	6,249,999	6,981,205
SWB	1,438,816	1,438,816	1,438,816	1,138,167	900,000	1,039,998
	46,009,946	46,009,946	38,909,946	36,809,934	35,733,070	37,884,039

Note: FY2000 funding is requested.

Mr. MICA. Thank you for your testimony.

I would like to recognize now Chief Tony Castaneda, the chief of police of Eagle Pass, TX. You are recognized. Welcome, sir.

Mr. CASTANEDA. Mr. Chairman, distinguished members of this subcommittee, I sincerely appreciate the invitation that I received to come before you and express our concerns. I commend you for the effort that you are doing for the American people. I have prepared a statement that I would like to be entered into the record.

Mr. MICA. Without objection, the entire statement will be made part of the record.

Mr. CASTANEDA. This statement is prepared for the purpose of outlining concerns that we face along the Southwest border of the United States. On February 25, 1997, I appeared and testified before this U.S. House of Representatives subcommittee on "Counter-Narcotics Efforts in Mexico and Along the Southwest Border."

At that time, my testimony was to bring to light the lack of Federal law enforcement efforts in the areas of personnel, equipment, and other tangible resources on the Southwest border. Our citizens, mainly the ranchers and their families that lived along the Rio Grande River, lived in fear of narcotraffickers romping through their properties, spreading fear, and leaving behind paths of destruction of private property.

Since that time, we have witnessed a steady but slow process of hiring Federal law enforcement personnel. During this same time, we continued to witness the steady increase of narcotics seizures and arrests. However, the true issue is that we are not stopping the steady flow of narcotics into our country. This is also a true reflection that the Southwest border of the United States is poorly understaffed to meet the challenging issues surrounding the fight against narcotrafficking.

I represent a Texas community, Eagle Pass, of about 45,000 residents, that borders a Mexican community with a population of close to 350,000. Our local U.S. Border Patrol leads their sector in apprehension and seizures of narcotics and its traffickers. They have become our most important drug interdiction force defending the Southwest border of this country.

I have been the chief of police of our department for the past 5 years, and over that time I have seen the steady increase of narcotics-related crimes in the community. Most of the apprehended criminals have an extensive history of involvement in narcotics.

Over the years, we have established an outstanding professional relationship with our Federal law enforcement counterparts. Our department has six officers assigned to the local DEA office and three to the U.S. Customs Office of Criminal Investigations. Their efforts are commendable.

It is an overwhelming battle, and certainly, Federal attention needs to be serviced in this area in order to maintain the American quality of life that all of us are entitled. The protection of our quality of life is essential to the economic and social stability of our border communities. Thank you very much.

[The prepared statement of Mr. Castaneda follows:]

Post-It® brand fax transmittal memo 7671		# of pages = 02
To: <i>Ria Warden</i>	From: <i>Chief Castaneda</i>	
Co.	Co. <i>EAGLE PASS POLICE</i>	
Dept.	Phone # <i>830 773-9044</i>	
Fax #	Fax # <i>830 773-6029</i>	

Mr. Juan A. Castaneda, Chief of Police
Eagle Pass Police Department

Mr. Chairman and Member of Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources, this statement is prepared for the purpose of outlining concerns that we face along the South West Border of the United States.

On February 25, 1997, I appeared and testified before the U.S. House of Representative Committee on Government Reform and Oversight, on "Counter-narcotics Effort in Mexico and along the South West Border." At that time, my testimony was to bring to light the lack of federal Law Enforcement efforts in the areas of personnel, equipment and other tangible resources on the southwest border. Our citizens, mainly the Ranchers and their families that lived along the Rio Grande River, lived in fear of narco-traffickers romping through their properties, spreading fear and leaving behind paths of destruction of private property.

Since that time, we have witnessed a steady but slow process of hiring federal Law enforcement personnel. During this same time, we continued to witness the steady increase of narcotic arrests and seizures. The additional personnel has helped in the making of these arrests and seizures. However, the true issue, is that we are not stopping the steady flow of narcotics into our country. This is also a true reflection that the South West Border of United States is poorly under staff to meet the challenging issues surrounding the fight against narco-trafficking.

I represent a Texas community, Eagle Pass, of about 45,000 residents, that borders a Mexican community of close to 350,000 residents. Our local U. S. Border Patrol Office leads their sector in the apprehension and seizures of narcotics and it's traffickers. They have become our most important drug interdiction forces defending the South West Border of this country.

I have been the Chief of Police for our police department for the past five (5) years and over the years, I have seen the steady increase of narcotic

related crimes in the community. Most of the apprehended criminals have an extensive history of involvement in narcotics.

Over the years, we have established an outstanding professional relationship with our federal Law enforcement counter parts. Our department has six (6) officers assigned to the local DEA office and three (3) to the U.S. Custom Office of Criminal Investigation. There efforts are commendable.

It's an overwhelming battle, and certainly federal attention needs to be serviced in this area, in order to maintain the American quality of Life, that all of us are entitled too.

The protection of our quality of Life is essential to the economic and social stability of our border communities.

Respectfully,

TC
Chief Tony Castaneda

Mr. MICA. Thank each of you for your testimony and participation today.

First question: You represent different border States: Arizona, California, Texas. I guess, generally, you are seeing an increase in narcotics trafficking along the border. Let's see, Arizona?

Mr. RODRIGUEZ. Yes, we are.

Mr. MICA. You said you are seeing an increase in cocaine?

Mr. RODRIGUEZ. Yes, 194 percent.

Mr. MICA. And heroin, also?

Mr. RODRIGUEZ. And in heroin.

Mr. MICA. What about California?

Mr. USREY. Yes, sir. The statistics which have been displayed demonstrate that there has been an upsurge, at least in the amount of drugs that have been confiscated.

Mr. MICA. Texas?

Mr. CASTANEDA. Absolutely. In 1997, we seized 31,000 pounds. This year, 1999, with the fiscal year still not closing, we are at 41,000 pounds.

Mr. MICA. Are you seeing also increased violence along these areas, Arizona?

Mr. RODRIGUEZ. I started office as a narcotics agent when the sergeant was killed in 1991. Then, we were three agents in the Task Force. Comparing then to now, the last two homicides of law enforcement officials in our county have been drug related during the course of a drug smuggling operation.

Mr. MICA. So you are seeing increased violence?

Mr. RODRIGUEZ. Yes.

Mr. MICA. In Arizona?

Mr. RODRIGUEZ. In Arizona. The rock-throwing incidents around the Nogales and Santa Cruz County areas is just as severe. Patrol agents have to have wrought iron metal plates over their windshields because they keep on breaking them.

Mr. MICA. California?

Mr. USREY. Yes, sir. It is sort of a unique situation, if you will, because we are seeing some decreases in violence in some of our major cities. Yet, as we increase the tension on the border, as we become more successful, we have created a situation where the drug traffickers themselves become more violent. That violence has flowed over into the California side.

We have seen Border Patrol agents taken under sniper fire. We have seen an increased evidence of weapons in vehicles, and so forth. So we are seeing some violence associated with drug trafficking, even though overall the statistics out of San Diego show an improvement in the homicide rate.

Mr. MICA. Texas?

Mr. CASTANEDA. Yes, Mr. Chairman. Within the city limits of Eagle Pass, we have confronted several high-speed pursuit chases involving narcotics traffickers, endangering our local residents, public streets, and highways. I have heard reports of Border Patrol agents encountering armed and violent narcotics traffickers. So the tension is there. The situation is there. The narcotics continue to be there.

Mr. MICA. My last question is to each of you. You heard today the problem we have with 23 Federal agencies and four depart-

ments, plus local and State efforts, in trying to coordinate these border activities. You also heard concerns from the panel about no one being in charge. How would you make this process and these activities of Federal agencies more effective? What can we do?

I think we had testimony in here that, of course, the resources to local governments and the decrease in the Byrne grants affected you. But structurally and operationally, as far as the Federal agencies, how could we do a better job? We will start maybe in reverse order. Chief.

Mr. CASTANEDA. As I closed my statement, Mr. Mica, we have an excellent relationship that I can attribute to a good working relationship with our Federal counterparts. However, I see an attitude of turf. This is nerve-racking, and also unhealthy for our efforts. I have heard from my officers—as I mentioned that I have officers assigned to the DEA and to the Office of Investigations of the U.S. Customs Service—where one agency is spearheading, for instance, a wiretap that requires a lot of man-hours and a lot of time, and being limited in staff. They are not bringing in DEA resources to assist them.

I see this as very counter-productive. You know, certainly, somebody needs to be overseeing this. I liked the comment that the gentleman from California mentioned about the Mexicans bringing the truckload and bringing the Federal officers and lining them up and saying, “We are going to bring in the military and ship you all out, if you do not do what we pay you to do.” Basically, that is what we need to do, to call the shots.

Sir, I do not know if you are the one that made the comment, but I wholeheartedly agree with that.

Mr. MICA. Mr. Rodriguez.

Mr. RODRIGUEZ. There are turf wars. There is no doubt about it, Representative, as you know, from being in the Border Patrol. I was born and raised in Nogales, AZ. I am a local boy. But when it gets down to doing an operation, a case, I have to be the mediator. Because I am a local; I have to play. You know, these people that come in and head up these eight Federal agencies, they see me coming, and they know what I am going to be asking. I am going to be asking for their help. And I am not going to leave them until they give me their help.

Some of them do not like me coming around. The thing is, I am not going to protect my community and my officers with turf wars. The only way we are going to put bad people in jail is by working together, which is what we have been doing. Operation Cebias with the HIDTA initiatives is working. We are talking to each other. We are co-located, which we never were, with the U.S. Customs Office on Enforcement. It is improving, but there is a lot of work to be done.

Mr. MICA. Mr. Usrey.

Mr. USREY. Thank you. And I certainly share the concerns of the committee, General McCaffrey and my cohorts here. But I would like to briefly discuss operation COBIJA an initiative that was touched on. That operation brings together the Federal, State, and local agencies in a coordinated fashion, through the use of regional coordination centers. These regional coordination centers—and they are located in the counties of San Diego, Imperial Valley, in Ari-

zona and New Mexico—are under the joint supervision of the Border Patrol and the local sheriffs.

Under that umbrella, everyone comes to lay out their plans and to coordinate operations. An interim step, but it seems to be a step in the right direction. I think the officers out there want to do the right thing and they want to be operationally effective. Sometimes turf issues come from areas higher than the officers on the street who are out there doing the job.

The point that was made by Lieutenant Rodriguez was very good. The State and local officers in leadership along the border, play a very important role as mediators. They are able to come to a HIDTA executive committee—and Representative Reyes has sat on those committees—and mediate and bring everyone to a common purpose. It is awfully hard to have disagreements among the Federal agencies in front of their State and local counterparts. I think that is a very positive influence, and has worked well as a start toward this area of coordination and mediation.

Mr. MICA. Thank you. Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman. I want to start by thanking all three gentlemen for being here, and for the job that you do and the role that you play on the front lines of the Nation's war on drugs.

I want to ask you to comment on a number of different areas. The first one is, as Mr. Usrey had mentioned I definitely appreciate the role that you play in funding the HDTAs. The question that I asked the General earlier, in terms of the number of HDTAs that exist today versus the initial five that we started out with in 1992, can I get an opinion from you in terms of my comment that if everything is a priority then nothing becomes a priority?

What is your perspective of the Southwest border being the focal point in terms of this Nation's war on drugs, and then not getting, perhaps, the attention or the support for those five HDTAs?

Mr. USREY. Thank you. I do share that concern. I think it is shared by all of us particularly, the original five gateway HDTAs. It was clear that these HDTAs were not only attacking the drug trafficking problem in their area, but also they had an impact outside that area.

And, while I think that there is a compliment there someplace that the HIDTA system must be working, because people want to copy it and have more HDTAs throughout the country—I think that is probably a positive thing—we have been very concerned that it would take away from the prioritization and the resources to the border.

I will say that we have received increases. As late as the Emergency Appropriations bill, we received additional money for the Southwest border. So it has not been a totally bleak picture, but basically one of level funding.

The other thing that has impacted us, and General McCaffrey addressed it, is that some of the discretion has been taken away from ONDCP. So where there is a necessity for additional resources—say, in El Paso and New Mexico, or any one of the other areas—there has been very little discretionary money. And some of that new money has been prioritized prior to the time it reaches ONDCP. I think has created some difficulty.

Mr. REYES. In your role as the director or overseer of the five HIDTAs for the Southwest border, what is the process in terms of funding those within the money that you get for the Southwest border? I ask that question because we have all heard the testimony, and I have recently seen the statistics from EPIC about the West Texas HIDTA in El Paso and the west Texas-southern New Mexico area being the major entry point for narcotics; yet it ranks, I believe, last in funding for the Southwest border HIDTAs. Can you explain to us how that process works?

Mr. USREY. ONDCP is the funding mechanism, and they make the funding decisions; of course, in accordance with the guidance provided to them by Congress. And that, I think, is a direct result, as I mentioned, of the lack of discretionary funds; that when there is a need, such as in El Paso, there is no money there that can be programmatically provided. Instead, it has taken exterior efforts to identify money to put into the program earmarked for particular HIDTAs.

My role is as an advocate. I try to look at all the programs along the border, each one of the five regional HIDTAs; determine where the needs are; and then go forth and try and advocate for additional resources, both to ONDCP, the congressional Representatives and so forth.

Mr. REYES. Then are you in agreement that the West Texas HIDTA faces the largest challenge, in terms of the statistics, and has the lowest funding of the five HIDTAs?

Mr. USREY. It is like talking about my five children here. I think that they all have individual problems. They all have individual needs. It is hard to say that any one of them needs more resources than any of the others. But El Paso certainly has a major problem. They have continued to have a problem. They have been very successful in the development of some of their initiatives which, you know, are really successful and the types of initiatives that we try to duplicate along the border. And yet they are the lowest funded, and definitely deserve more money.

Mr. REYES. Thank you. In the context for the other two gentlemen, explain to us your opinion, or your concerns. Because often in Congress, we hear a lot about the corruption that comes with drug trafficking. Can you give us an opinion on what you have seen there at the front lines regarding corruption?

Mr. RODRIGUEZ. Corruption on the United States or Mexican side?

Mr. REYES. Well, in general. Because I know it exists on both sides.

Mr. RODRIGUEZ. We are one of the few HIDTA initiatives to have actual corruption agents from the FBI corruption squad assigned to the Metro Task Force. We are real fortunate to work with them, because our source was involved directly with the actual arrests and prosecution of four INS agents down in Nogales, AZ.

There is a corruption issue. There is a corruption element there. There is a price that we all pay in law enforcement when that happens. But we have to learn how to deal with that, and foresee and act on those aggressions toward our unity, I think, in fighting drugs.

It is a large money. We seized about \$300,000 in that operation. But the FBI does have a corruption squad in southern Arizona to combat that.

On the Mexican side, we do have working relationships with the Mexican authorities in Nogales, AZ. We do have a working relationship with the consulate in Nogales, AZ. But we are aware, I am aware, the agents are aware, of the corruption issue that is in Mexico. We take it on a case-by-case basis.

Based on the homicide of Border Patrol agent Kurpnick last year, they were very helpful. Grupo Vetto was very helpful in apprehending one suspect in Nogales, Sonora. The FBI was very successful in extraditing two of those suspects, and they just prosecuted one of the smugglers that was involved in that assassination.

Mr. REYES. OK, thank you. Chief.

Mr. CASTANEDA. As you know, corruption wherever it is—local, Federal—it always leaves a black eye on police personnel. In 1997, when I came here and reported to a similar question of yours, we had several officers within my department that were suspected of that. I am glad to report that those officers are no longer with us.

It is something that we keep an eye on, on things of that nature, because in the narcotics trade, as my colleague Lieutenant Rodriguez mentioned, large sums of moneys exchange hands, and the integrity level of the individual engaged in the counteroffensive has to be real high. So it is something that is always under the watchful eye.

As far as my Mexican counterparts, recently in late July, I was a special guest to President Zedillo in Mexico City. We had a private audience with Mr. Medraza. As General McCaffrey was reporting, Mexico was reporting to us at the time of their efforts to implement basic things that we usually do when we recruit people: polygraph, background investigations, urine analysis. I am talking about their Federal preventative police that they are trying to get off the ground.

I left with very mixed emotions, along with my colleagues that were present at the seminar. Nevertheless, it is a clear indication that Mexico is trying to remedy a problem they recognize that they have been having in their back yard for so many years. Now they are trying to clean it up, in order for them to maintain good grace with us.

Mexico is one of our biggest trading partners. Certainly, it is something that pressure needs to continue to be applied by our end for them to be doing this reform in their policing.

Mr. REYES. Thank you, Mr. Chairman.

Mr. MICA. Thank you.

Mr. Bilbray.

Mr. BILBRAY. Thank you. I appreciate the testimony. I want to just clarify one thing, though. I think too many people in the United States miss the point that Mexico is not fighting corruption, or any issue short of their own national sovereignty. And I want to say that to the chairman, that we have just got to understand that Mexico right now is under the greatest threat to their national sovereignty. It dwarfs General Scott marching into Mexico City.

And so it really is not just a PR thing. It is the fact that an elected official, like the Governor of Baja, lives in fear, not just for him-

self, but his family and anyone else he knows. It's a matter of survival. And they are fighting for their national sovereignty. And I think we need to remember that.

The corruption issue, though, when we talk about it, I worry that Americans talk about corruption and think about the dollar signs, and do not realize that the "mordida" is only half of the issue. The other half, at least on Mexico's side, is the assassination attempts and rates.

There is a term in Mexico, and I am sure my colleague can articulate it appropriately, that is basically "Lead or Gold." Do you want gold, or lead? Do you want to get paid off, or do you want to be killed? And we have seen that extensively, have we not, south of the border?

Do you want to talk in public about our assassinations north of the border? Which is a concern that I have. Mr. Chairman, I just want to point out a mile north of where I live we have had over three assassinations along the Silver Strand by hired hit-people. It is something that I think that we need to be very concerned about; not just because of Mexico.

I would ask you this, gentlemen. I got a lot of credit for asking for an investigation in San Diego, that someone said, "Well, did you have inside information about corruption?" when I asked about it. It was not that; it was just that when someone has to work in close proximity to an environment where there is so much corruption, so much violence, so many problems, and so much money, I think it is rather naive, if not ridiculous, for us in the United States to think that international border, that artificial line, is going to stop that from crossing into our infrastructure.

I am just worried that if we do not wake up to the fact that the violence side of the corruption does not end up with our agents: with the low morale, or the problem of morale, of not having the infrastructure; the morale of releasing people that they wish they did not have to release, because there are not enough jails; added into that, the huge amount of money involved; and then, if we get to the next step, the threat of violence, not just to the agents and the people on the border, but the fact that these assassins are working in the United States.

Do you guys want to comment on that aspect of it, and try to educate this body about just how great that potential is and how it is so unique to the border region?

Mr. CASTANEDA. I would like to lead off on that, because in my area we have witnessed several assassinations on the Mexican side. One of the unique cultural aspects of living on the border is the enmeshing of the families. I have a lot of family in Mexico, myself, and as Mr. Reyes will attest. It makes it hard to penetrate narcotics rings. We have officers that are involved with families on the Mexican side.

But Mexico, like you mentioned, Congressman, "Plata O Oro," you know, meaning "Bullets or Gold." It is so prevalent and so very real, and has filtered into this country. I do not have the intelligence to put the numbers and say how many of these murders that have occurred on this side of the border originated from orders from Mexico. Nevertheless, it is an issue that needs to be dealt with and needs to have a very serious look.

Mr. RODRIGUEZ. In my area, it is along the same lines. But we, as citizens of the United States, should be vocal, and not seeing their actoins 2 miles away from the border as acceptable. The term in Nogales, AZ, in translation, is "The Settling of Accounts." They settle accounts, all accounts. It does not matter who you are, or from where you are.

We have been fortunate that we live on the border. I also am aware. I know the threat. I keep it away from my family. At the same time, I will never answer the door without knowing who is there.

Mr. USREY. I would certainly agree with my fellow panel members here and the observations you have made. I have been in law enforcement for over 30 years, and I thank God no one ever put a gun to my head and said, "Here, take this \$100,000, or I am going to blow your brains away, and I am also going to assassinate your family." I have a lot of sympathy for the individuals who find themselves in that situation. Irrespective of how they got there, that has to be a very, very difficult situation.

We have had a number of threats that have been made, particularly against Federal law enforcement personnel on our side of the border. For the most part, those are designed as retribution for doing a good job. The key officers and agents that are out there have been identified in the forefront of some of the efforts, as Lieutenant Rodriguez said, and that is of continued concern.

So I concur with your observation that is a potential that we have to look forward to, and not readily, it is something that could happen. We do know that drug traffickers use what works. And if it works in Mexico, I would be very concerned that they would try those same tactics here in the United States.

Mr. BILBRAY. I only want to point out that there was 1 year, Mr. Chairman, where we lost nine police officers in Tijuana who were assassinated. A police chief was assassinated and two Federal prosecutors were assassinated. And in fact, the police chief announced that he was offered a bribe, and went public that he was turning down the bribe, and within 42 hours he was dead. That is how brazen it is. And so, as we confront our Mexican colleagues, we have also got to realize how sensitive it is.

Our challenge is to make sure that we do not allow this to happen—this cult of corruption. There was a culture of corruption that was very small. And it was not that; it was like giving public officials tips, the "mordida." The trouble is, that allowed the gap for this huge amount of money and violence to go into the Mexican culture and drive this hideous problem that is going on now. Our challenge is to make sure that culture of corruption does not transfer across the border. And it is, to some degree. It is a real challenge that we have to confront.

I wish that we would look at all of the people that are dying on both sides of the border on this issue, and be as much outraged, and put the resources in along our "frontiera" to the south as we would in Europe. You know, we get all fired up about how the media cover that. It is really interesting how this has not been something that is covered in the U.S. media, and it has not been something we have discussed on our side. Remember, the bullets

and the money that are used in this corruption are coming from our side of the border.

Mr. MICA. I thank the gentleman for his comments and questions.

I want to thank each of the panelists for their participation today. Hopefully, through your testimony and your recommendations, we can do a better job in coordinating our Federal efforts, working both with the HIDTAs and local governments. Again, we thank you, and we will excuse you at this time.

Mr. RODRIGUEZ. Thank you, Mr. Chairman.

Mr. MICA. I will call our third panel. Our third panel today consists of four different witnesses. The first one is Mr. Richard Fiano. He is the Chief of Operations of the Drug Enforcement Administration and with the Department of Justice. Next, we have Brigadier General Dorian Anderson, Commander of the Joint Task Force Six with the Department of Defense. We have also Mr. Michael Pearson, Executive Associate for Field Operations of INS. I believe Mr. Pearson is going to also be accompanied by Mr. Gus De La Vina, Director of the U.S. Border Patrol. We have Mr. Sam Banks, Deputy Commissioner of the U.S. Customs Service with the Department of the Treasury.

As I indicated to our previous witnesses this morning, this is an investigations and oversight subcommittee of Congress. We do swear in our witnesses. We also ask, if you have any lengthy statements or documents you would like to be part of the record, that you do summarize your remarks and present 5 minutes of oral testimony. We will, by unanimous consent, submit those lengthy written statements or documents to the record. With that, I would like to ask each of those who are going to testify to stand and be sworn.

[Witnesses sworn.]

Mr. MICA. This is answered in the affirmative. I would like to welcome our panelists and participants. First, I will recognize Mr. Richard Fiano, Chief of Operations of DEA with the Department of Justice. Welcome, sir, and you are recognized.

STATEMENTS OF RICHARD FIANO, CHIEF OF OPERATIONS, DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE; DORIAN ANDERSON, COMMANDER, JOINT TASK FORCE SIX, DEPARTMENT OF DEFENSE; MICHAEL PEARSON, EXECUTIVE ASSOCIATE FOR FIELD OPERATIONS, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE, ACCOMPANIED BY GUS DE LA VINA, CHIEF, U.S. BORDER PATROL; AND SAMUEL BANKS, DEPUTY COMMISSIONER, U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

Mr. FIANO. Thank you, Mr. Chairman. Chairman Mica and members of the subcommittee, I appreciate the opportunity to appear today at this hearing regarding the drug threat along the Southwest border. I would first like to thank you and the subcommittee for your continued support of the DEA and your overall support of drug law enforcement. I have submitted and offer my complete statement for the record.

Mr. MICA. Without objection, that will be made part of the record.

Mr. FIANO. I think it is extremely appropriate to focus on the drug threat along the Southwest border. As you mentioned in your opening statement, this past Wednesday the DEA announced the conclusion of a 2-year international investigation which culminated in the arrest of 93 individuals linked to the Amado Carillo Fuentes organization headquartered in Cancun, Mexico.

The investigation, known as "Operation Impunity," was a multi-jurisdictional, multi-agency investigation conducted by DEA, the FBI, and the U.S. Customs Service, and a host of State and local law enforcement agencies throughout the United States. The investigation ultimately culminated in the dismantling of an entire criminal drug trafficking organization and the seizure of over 12,000 kilos of coke, a half a kilogram of heroin, 4,000 pounds of marijuana, and over \$19 million in U.S. currency and assets. The operation demonstrates an extensive and coordinated and cooperative effort on the part of U.S. law enforcement, which exacted a devastating blow against one of the largest Mexican drug trafficking organizations operating along the Southwest border.

As you are aware, DEA's primary mission is to target the highest levels of international trafficking organizations operating today. Due to the ever increasing legitimate cross-border traffic and commerce between the United States and Mexico, several international organized crime groups have established elaborate smuggling infrastructures on both sides of the Southwest border.

Furthermore, it has long been established that in addition to drug trafficking these international criminal organizations spawn violence, corruption, and intimidation that threaten the safety and stability of surrounding border towns, cities, and States. The Southwest border remains your major point of entry for approximately 70 percent of all the illicit drugs smuggled into the United States, that are ultimately transported to and sold in our neighborhoods across the country.

In response to this continued threat along the Southwest border, DEA has established several initiatives which employ a multi-prong strategy which utilizes and combines law enforcement operations, intelligence operations, and provides for law enforcement assistance in order to achieve success in combating criminal drug trafficking organizations operating along the Southwest border.

The objective of these initiatives is to disrupt and ultimately dismantle criminal organizations that smuggle illicit drugs into the United States, by linking Federal, State, and local investigations domestically and mobilizing multilateral enforcement efforts abroad. In order to combat drug production and trafficking networks operating along the United States-Mexican border DEA, in concert with other Federal agencies, established the Southwest Border Initiative, an integrated, coordinated law enforcement effort designed to attack the command and control structure of organized criminal enterprise operations associated with Mexican drug trafficking organizations. The strategy focuses on intelligence and enforcement efforts, targeting distribution systems within the United States, and directs resources toward the disruption of those principal drug trafficking organizations operating across the border.

DEA, in cooperation with other Federal, State, and local law enforcement agencies, is focusing increased intelligence, technical re-

sources, and investigative expertise on the major Mexican drug trafficking organizations responsible for smuggling vast quantities of cocaine, heroin, marijuana, and methamphetamines across the border.

Apart from this effort, DEA and the FBI also provide operational planning, intelligence, and training to the Government of Mexico law enforcement authorities, to strengthen their capacity to collect drug intelligence, attack production capabilities, conduct transshipment interdiction investigation and asset seizures, and prosecute key traffickers.

The Southwest border strategy targets specific Mexican drug trafficking organizations operating across the border, and attacks their command and control infrastructures, wherever they operate. These organizations routinely utilize violence as well as sophisticated encrypted telecommunication methods in order to protect their organizations' illicit activity. The Southwest border strategy includes a joint DEA, FBI, U.S. Customs, and DOJ projects that resides within DEA's Special Operations Division.

The Special Operations Division is a joint national coordinating and support entity comprised of agents, analysts, and prosecutors from DOJ, Customs, the FBI, and DEA. Its mission is to coordinate and support regional and national criminal investigations and prosecutions against trafficking organizations that most threaten the United States.

As presently configured, we have sections in the Special Operations Division, two sections that target Southwest border major Mexican drug trafficking organizations, one that targets methamphetamines, one that targets Colombian trafficking organizations, and one that targets heroin investigations in Europe and the Middle East.

The intelligence collection process is critical to the interdiction of drugs. In response to the DEA, the Department of State established a joint information collection center program managed and operated by the El Paso Intelligence Center. The program is a multilateral, multi-agency effort designed to collect and analyze data related to the trafficking of drugs with international origin and transshipment points.

Domestically, highway interdiction programs are central to drug enforcement, especially on the Southwest border, since a vast number of seizures occur at checkpoint stops within 150 miles of the border in Arizona, California, New Mexico, and Texas. The highway interdiction program is promoted and monitored by the El Paso Intelligence Center, but carried out by State and local law enforcement officials. The operation is active along the highways and interstates most often used by drug organizations to move drugs north and east and illicit money south and west.

Despite our many efforts and successes in identifying and apprehending the leadership and members of these international drug trafficking organizations, too often these drug lords are not apprehended by our international counterparts. Even if they are arrested, justice is seldom carried out which fits the magnitude of their crimes.

The DEA, however, continues to work bilaterally with our law enforcement counterparts in Mexico, with the hope that our efforts

will result in successfully diminishing these criminal organizations' ability to utilize the Southwest border.

Mr. MICA. If you could, begin to conclude here.

Mr. FIANO. I will, sir.

Mr. MICA. We are going to have a series of votes.

Mr. FIANO. Yes, sir. Perhaps the recent arrest of "Operation Impunity" defendant Jaime Aguillar Gastelum in Reynoso, Mexico by Mexican authorities is indicative of the GOM's future commitment to such joint ventures. However, continuing reports of corruption and the rapidly growing power and influence of the major organized criminal groups in Mexico cause great concern about the long-term prospects for success.

DEA recognizes the drug threat along the Southwest border diminishes the quality of life of our citizens across the Nation. We are hopeful that new initiatives in our cooperative efforts with other Federal, State, and local law enforcement agencies will enhance our ability to combat these drug trafficking groups operating along the Southwest border, and have more successes such as "Operation Impunity." Thank you.

[The prepared statement of Mr. Fiano follows:]

Richard A. Fiano
Chief of Operations
Drug Enforcement Administration
before
The Subcommittee on Criminal Justice, Drug Policy
and Human Resources
September 24, 1999

Chairman Mica and Members of the Subcommittee: I appreciate this opportunity to appear before the Subcommittee today to discuss the issue of the drug trafficking along the Southwest Border. I would like first to thank the Subcommittee for its continued support of the Drug Enforcement Administration (DEA) and overall support of drug law enforcement. My testimony today will provide you with an objective assessment of the law enforcement issues surrounding the drug threat along the Southwest border and its potential impact on the United States. Due to the ever-increasing legitimate cross-border traffic and commerce between the U.S. and Mexico, several international organized crime groups have established elaborate smuggling infrastructures on both sides of the U.S./Mexico border. Furthermore, it has long been established that in addition to drug trafficking, these international criminal organizations spawn violence, corruption, and intimidation that threaten the safety and stability of surrounding border towns, cities and states. The information that I am providing is based on a comprehensive and detailed analysis of every major narcotics investigation conducted by the Drug Enforcement Administration involving organized criminal drug trafficking activity in Mexico and our consultation with other Federal, state and local law enforcement agencies.

The complex and sophisticated international drug trafficking groups operating out of Colombia and Mexico are vicious, destructive entities, which operate on a global scale. The four largest drug trafficking organizations in Mexico --- operating out of Guadalajara, Juarez, Mexicali, Tijuana, Sonora, and the Gulf region --- under the auspices of Vincente Carrillo-Fuentes, Jesus Amezcua, Miguel Caro-Quintero, and Ramon and Benjamin Arellano-Felix, are in many ways, the 1990's versions of the mob leaders and groups that U.S. law enforcement has fought against since the beginning of the century. These international organized crime leaders, however, are far more dangerous, far more influential and have a greater impact on our day-to-day lives than did their domestic predecessors. The drugs and attendant violence they sanction reach many communities in the United States.

Those international traffickers and their organizations make operational decisions from places like Cali, Colombia; Sonora, Mexico and other locations outside U.S. borders,

which dilute the quality of life of our citizens and directly impact drug-related crime in cities and towns across our country. These groups have reached new levels of sophistication and have become a threat not only to the United States and Europe, but also their own countries, and other Latin American nations, as well. Their power and influence are unprecedented. Unless innovative, flexible, multi-faceted responses are crafted, these drug trafficking organizations threaten to grow even more powerful in the years to come.

The international criminal organizations which currently control the entire drug trade from its source in South America, through transit countries in the Caribbean and Mexico and ultimately for sale in the United States, are thoroughly intertwined. Therefore, we cannot discuss the trafficking situation along the southwest border without looking at the evolution of the groups from Colombia, and how the groups from Mexico have learned from them, creating the situation along the Southwest Border that we are facing today.

Colombian Trafficking Organizations:

During the late 1980's and early 1990's, the major drug traffickers from Medellin, Colombia were investigated, arrested and prosecuted by the Colombian National Police (CNP) and the DEA, beginning with the landmark return of Carlos Lehder to face drug charges in the United States, and ending with the death of Pablo Escobar at the hands of the CNP. During this same time frame, proactive narcotics investigations by the DEA and other Federal, state and local entities created a choke point in South Florida and the Caribbean, through which most of the illicit drugs arriving in our country were transited.

As the Medellin traffickers disintegrated, the Cali traffickers quietly coalesced and assumed power equal to that of their predecessors. Due to law enforcement's response to the trafficking in the Caribbean, the Cali traffickers would later form an alliance with Mexican trafficking groups in order to stage and transport drugs across the Southwest Border. The drug traffickers from Cali were far more sophisticated than the Medellin group and eventually became deeply involved in all aspects of the cocaine trade, including production, transportation, wholesale distribution and money laundering. Whereas the Medellin traffickers seemed to revel in the terror and violence that became their trademark—and ultimately contributed to their downfall—the Cali traffickers attempted to avoid indiscriminate violence, contributing to their image as legitimate businessmen. However, when the Cali traffickers employed violence to attain their goals—and they frequently did—it was precise and exacting. The Cali leaders --- the Rodriguez-Orejuela brothers, Jose Santacruz Londono and Helmer "Pacho" Herrera-Buitrago--- amassed fortunes and ran their multi-billion dollar cocaine businesses from high-rises and ranches in Colombia. Miguel Rodriguez-Orejuela and his associates comprised what was, until then, the most powerful international organized crime group in history. They employed commercial aircraft to ship metric ton quantities of cocaine to Mexico. Using landing strips in Mexico, they were able to evade U.S. law enforcement and made important transportation alliances with the traffickers in Mexico. Once the cocaine was safely delivered to traffickers in Mexico, independent Mexican-based

transportation groups, subcontracted by the Colombian trafficking organizations, arranged for the delivery of the cocaine to contacts within the U.S.

During 1995 and 1996, intense law enforcement pressure was focused on the Cali leadership by the brave men and women of the Colombian National Police. As a result, all of the top trafficking leaders from Cali were either in jailed or killed. During that time frame, U.S. law enforcement agencies were effectively attacking Colombian cells operating within the United States. With the Cali leaders' imprisonment in Colombia and the successful attacks by law enforcement on their U.S. cells, traffickers from Mexico took on greater prominence. A growing alliance between the Colombian traffickers and the organizations from Mexico worked to benefit both sides. Traffickers from Mexico had long been involved in smuggling marijuana, heroin, and cocaine across the U.S.-Mexico border, using entrenched distribution routes to deliver drugs throughout the United States. The Mexico-based organizations' emergence as major methamphetamine producers and traffickers also contributed to making them a major force in international drug trafficking. The Mexican traffickers, who were previously paid in cash by the Colombian traffickers for their services, began to routinely receive up to one-half of a shipment of cocaine as their payment. This led to Mexican traffickers having access to multi-ton quantities of cocaine and allowed them to expand their markets and influence in the United States, thereby making them formidable cocaine traffickers in their own right.

Mexican Traffickers Rise to Prominence:

With the disruption of the Cali syndicate, Mexican groups such as the Amado Carrillo-Fuentes organization, the Arellano-Felix cartel, the Amezcua-Contreras brothers, and the Caro-Quintero group, consolidated their power and began to dominate drug trafficking along the U.S.-Mexico border and in many U.S. cities. These organizations are no longer simply middlemen in the cocaine transportation business but reach into the very foundations of Mexican society. Events in Mexico and along the border emphasize the fact that trafficking groups from Mexico are now a significant force in international organized crime.

The violence that is an essential part of the operations of these ruthless and powerful organizations impacts innocent citizens across the United States. The traffickers' willingness to murder and intimidate witnesses and public officials has allowed them to develop into the present day threat they present to the citizens of the United States and Mexico. Drug traffickers continue their brazen attacks against both U.S. and Mexican law enforcement officials and their sources of information.

Overview of Narcotics Smuggled along SWB:

Recent intelligence reports indicate that approximately 60% of the cocaine available in the United States comes over the U.S.-Mexico border. Typically, large cocaine shipments are transported from Colombia, via commercial shipping and "Go-fast" boats and off-loaded in Mexican port cities. The cocaine is transported through Mexico, usually by

trucks, where it is warehoused in cities like Guadalajara or Juarez, which are operating bases for the major organizations. Cocaine loads are then driven across the U.S.-Mexican border and taken to major distribution centers within the U.S., such as Los Angeles, Chicago or Phoenix. Surrogates of the major drug lords wait for instructions, often provided over encrypted communications devices-- --phones, faxes, pagers or computers-- --telling them where to warehouse smaller loads, who to contact for transportation services, and who to return the eventual profits to. Individuals sent to the United States from Mexico and are often here illegally, contract with U.S. trucking establishments to move loads across the country. Once the loads arrive in an area that is close to the eventual terminal point, safehouses are established for workers who watch over the cocaine supplies and arrange for it to be distributed by wholesale dealers within the vicinity. These distributors have traditionally been Colombian nationals or individuals from the Dominican Republic, but recently, DEA has come upon evidence that Mexican trafficking organizations are also directly involved in cocaine distribution in New York City.

We have not only identified the drug lords themselves, but in most cases, the key members of their command and control structure. The combined investigations of DEA, FBI, the U.S. Customs Service and members of state and local police departments have resulted in the seizure of hundreds of tons of drugs, hundreds of millions of dollars in drug proceeds and most importantly, several significant indictments. In fact, some of the leaders of these organizations--Ramon and Benjamin Arellano-Felix, Jesus Amezcua-Contreras, Vicente Carrillo-Fuentes----have become almost household names in every major law enforcement department in the United States. Despite this evidence of the crimes they have committed within the U.S., and the notoriety these traffickers have gained, they have been able to continually evade arrest and prosecution. The primary reason they have been able to avoid arrest and continue to ship drugs into the United States is attributable to their ability to intimidate witnesses, assassinate and corrupt public officials.

Methamphetamine trafficking operates in a similar fashion, with major organized crime groups in Mexico obtaining the precursor chemicals necessary for methamphetamine production from sources in other countries, such as China and India, as well as from rogue chemical suppliers in the United States. Super methamphetamine labs, capable of producing hundreds of pounds of methamphetamine on a weekly basis, are established in Mexico or in California, where the methamphetamine is provided to traffickers to distribute across the United States. It is common today to find traffickers from Mexico, most of which are illegal aliens, established in communities like Boise, Des Moines, Omaha, Charlotte and Kansas City, distributing multi-pound quantities of methamphetamine.

The impact of methamphetamine trafficking, from all drug trafficking sources, on U.S. communities has been devastating. In Iowa, health experts have expressed grave concerns over the 4000 infants affected by drugs, ninety-percent of which were exposed to methamphetamine. An expert associated with Marshall County Iowa's Juvenile Court

Services estimated in 1998 that one-third of the 1,600 students at Marshalltown High School have tried methamphetamine.

Furthermore, there have been numerous incidents where children have been injured or killed by explosions and fires resulting from their parents' methamphetamine cooking. In a major DEA case, a working methamphetamine lab established by traffickers from Mexico was discovered in an equestrian center where children were taking riding lessons. In another case investigated by the DEA, an operational methamphetamine lab, capable of producing 180 pounds of methamphetamine, was discovered within a thousand feet of a junior high school.

Heroin from Mexico now represents 14% of the heroin seized in the United States by federal authorities, and it is estimated that organized crime figures in Mexico produced six metric tons of heroin last year. A current study being conducted by DEA indicates that as much as 29% of the heroin being used in the U.S. is being smuggled in by the Mexico-based organized crime syndicates. Mexican black tar heroin is produced in Mexico, and transported over the border in cars and trucks. Like cocaine and methamphetamine, it is trafficked by associates of the organized criminal groups in Mexico, and provided to dealers and users in the Southwest, Northwest, and Midwest areas of the United States. At one time, it was commonplace for couriers to carry two pounds or so of heroin into the United States; recently, quantities of heroin seized from individuals has increased as is evidenced by larger seizures in a number of towns in Texas. This heroin is extremely potent, and its use has resulted in a significant number of deaths. In the small town of Plano, Texas, the dangerously high levels of purity and easy availability resulted in 19 heroin-related deaths and 3 near fatal overdoses since September 1994. Just this past May, former Dallas Cowboy football player Mark Tuanai died of a heroin overdose in Plano. In response to these tragedies, the DEA and Plano Police Department formed a Heroin Task Force to investigate, identify and prosecute the persons responsible for the importation and distribution of the heroin responsible for these deaths.

Mexican black tar heroin is also common in the Pacific Northwest. Last January, officers from the California Highway Patrol working near Sacramento, stopped a speeding car driven by a sixteen-year-old Mexican national. He and a passenger were from Michoacan, Mexico. A search of the car yielded six-kilogram packages of Mexican black tar heroin intended for distribution in Yakima, Washington.

Seattle, Washington has suffered from a dramatic increase in heroin overdose deaths. According to health experts, heroin deaths increased in 1998 to a total of 138. This figure is triple the number of heroin deaths in Seattle during the 1980's. Experts also estimate that there are 20,000 heroin addicts in Seattle and the surrounding area. Traffickers from Mexico use the I-5 highway to bring their product to cities and suburbs in Washington State.

Marijuana from Mexico dominates the illicit U.S. import market. Seizures of Mexican marijuana have increased from 102 metric tons in 1991 to 742 metric tons in 1998.

Marijuana organizations from Mexico are very powerful and violent. In some places, traffickers from Mexico have established growing operations within the United States. In a recent case in Idaho, the DEA Boise office, working with other Federal, state and local law enforcement officials, arrested a group of illegal aliens from Zacatecas, Mexico. A total of 114,000 marijuana plants, weighing almost 20 tons, were seized. This operation represented the largest marijuana seizure ever in the state of Idaho.

It is important to note that although many of the transactions relating to the drug trade take place on U.S. soil, the major international organized crime bosses headquartered in Mexico direct the details of their multi-billion dollar business step by step. They are responsible not only for the business decisions being made, but ultimately for the devastation that too many American communities have suffered as a result of the influx of cocaine, methamphetamine, heroin and marijuana.

Law Enforcement Response:

The Southwest border remains a major point of entry for approximately 70% of all illicit drugs smuggled into our country by Mexican trafficking groups. In response to this continued threat along the border, the DEA has established several initiatives that facilitate and improve intelligence and information sharing, while identifying and removing impediments to cooperation. These initiatives employ a multi-pronged strategy, which utilizes and combines law enforcement operations, intelligence operations, and provides for law enforcement assistance in order to achieve success in combating criminal drug trafficking organizations along the border. The objective of these initiatives are to disrupt and ultimately dismantle criminal organizations that smuggle illicit drugs into the U.S. by linking Federal, state and local investigations domestically and mobilizing multilateral enforcement efforts abroad. Based upon past trends, intelligence, and recent seizures along the border, the DEA has established the following priorities for its' SWB Field Divisions: (1) cocaine investigations involving violent organizations; (2) methamphetamine investigations, (3) heroin investigations, (4) marijuana investigations, (5) money laundering investigations and (6) diverted/dangerous drug and chemical investigations.

Enforcement Operations/Strategies:

In response to the emergence of these Mexican Drug Trafficking Organization's (MDTO), it became apparent that a coordinated strategy for law enforcement counterdrug activities be implemented along the border. Due to a host of reasons, (i.e. diverse demographics, expansive geography, overlapping of law enforcement agencies, etc.), intelligence gaps have always existed in relation to the Southwest border. As such, the Southwest Border Initiative (SWBI) was mounted to address these concerns as well as the growing threat of drugs and violence along the southwest border. In order to combat drug production and trafficking networks operating along the U.S./Mexican border, DEA, in concert with other Federal Agencies established the Southwest Border Initiative – an integrated, coordinated law enforcement effort designed to attack the command and control structure of organized criminal enterprise operations associated with the Mexican Federation. This strategy focuses on intelligence and enforcement efforts targeting drug

distribution systems within the U.S. and directs resources toward the disruption of those principal drug trafficking organizations operating across the border.

DEA, in cooperation with other Federal, State and local law enforcement agencies is focusing increased intelligence, technical resources and investigative expertise on the major MDTO's responsible for smuggling vast quantities of cocaine, heroin, marijuana and methamphetamine across the border. Apart from this effort, DEA and the Federal Bureau of Investigation (FBI) also provide operational planning, intelligence and training to Government of Mexico (GOM) law enforcement authorities, to strength their capacity to collect drug intelligence, attack production capability, conduct transshipment interdiction, investigations and asset seizures and prosecute key traffickers.

The Southwest Border strategy targets specific Mexican trafficking organizations operating across the border and attacks their command and control infrastructures wherever they operate. These crime syndicates pose a significant challenge to the law enforcement agencies in the United States that enforce narcotics laws. Since the mid 1990's, we have watched with concern as powerful organized crime syndicates based in Mexico began to dominate the distribution of drugs within virtually every community in the United States. The Mexico-based criminal organizations have rapidly become one of the primary entities responsible for distributing drugs to the citizens of the United States.

The Southwest Border strategy includes a joint DEA/DOJ/FBI/USCS project that resides within DEA's Special Operations Division (OS). The Special Operations Division is a joint national coordinating and support entity comprised of agents, analysts, and prosecutors from DOJ, Customs, FBI and DEA. Its mission is to coordinate and support regional and national criminal investigations and prosecutions against trafficking organizations that most threaten the U.S. OS performs seamlessly across both investigative agency and district jurisdictional boundaries, providing field offices with necessary "leads" for investigative action. Within OS, no distinction is made among the participating investigative agencies. Where appropriate, state and local authorities are fully integrated into coordinated operations. As presently configured, OS consists of four sections; each of which has both DEA and FBI personnel assigned. One section targets Colombian Trafficking Organizations, a second concentrates on cocaine and heroin trafficking in Europe and Asia, and the remaining two sections are the heart of the Southwest Border Project and focus their efforts on the principal MDTO's. These two sections target, among other things, the command and control networks of the identified MDTO's, and their supporting organizations operating along the Southwest border. In attacking the command and control structure of these polydrug organizations, OS converts classified information and intelligence into usable leads and tips for dissemination to DEA/FBI Field Divisions. As such, the interagency regional objectives are; (1) Intelligence collection and analysis, (2) Investigations, (3) Interdiction and Enforcement and (4) Incarceration. Following are several significant operations that have been fully supported and complimented by OS personnel:

- Operation Impunity:

As an example of the success that a cooperative interagency initiative can accomplish, this past Wednesday, the DEA announced the conclusion of a two-year international

investigation that culminated in the arrest of over 93 individuals linked to the Amado Carrillo Fuentes (ACF) drug trafficking organization, headquartered in Cancun, Mexico. This investigation, known as "Operation Impunity", was a multi-jurisdictional, multi-agency investigation which directly linked drug trafficking activity in the United States to the highest level of the Mexican cocaine trade.

This investigation began in January 1998 and is being conducted jointly by the Drug Enforcement Administration, Federal Bureau of Investigation (FBI), U.S. Customs Service (USCS) and a host of state and local law enforcement agencies. The investigation encompasses 53 DEA, FBI and USCS case investigations which spans 14 federal judicial districts. Since 1998, this investigation has resulted in 36 seizures, netting 12,357 kilograms of cocaine, a half a kilo of heroin, 4,806 pounds of marijuana, more than \$18.5 million in U.S. currency, and the arrest of 93 individuals.

The above statistics only tell part of the story. Operation Impunity demonstrated an unparalleled coordinated and cooperative effort among the law enforcement community. Overall, the totality of this investigation allowed the law enforcement community to ascertain this organization's method of operation from the narcotic distribution in Colombia to the transportation through Mexico to the ultimate distribution networks throughout the U.S. Thus far, the accomplishments actualized over the course of this investigation demonstrates the need for the continuation of long term, multi-agency investigations.

- Operation Heartland:

In October 1997, the DEA Oklahoma City office initiated an investigation against the Martin Chavez, methamphetamine and marijuana drug trafficking organization. Martin Chavez is the leader of an organization that imports methamphetamine and marijuana from Mexico for distribution in the United States. The Chavez organization transported marijuana and methamphetamine from Mexico to Oklahoma City via Dallas, Texas. From there, the drugs were distributed to organization members and associates in Des Moines, Iowa and Kansas City, Missouri. This investigation has widened, bringing in the DEA offices in Fresno, Dallas, El Paso, and Des Moines, as well as U.S. Customs and state and local counterparts in these areas. The Oklahoma City investigation culminated on May 10, 1999, when authorities arrested three Chavez organization members on Federal charges. To date, this investigation has involved 13 Title IIIs and 35 pen registers. The information derived from them resulted in the seizure of 47 pounds of methamphetamine, 525 pounds of precursor chemicals, 1,378 pounds of marijuana, \$47,000 in currency, and the arrest of 22 defendants.

- Operation Cali-Man:

In August 1997, the Miami Field Division received an Attorney General's Exemption to conduct a money laundering investigation utilizing selective undercover financial transactions as a method to identify organizational targets. By the use of selected undercover financial transactions, Operation Cali-Man has been able to assist other field divisions in the initiation of 10 separate investigations of money laundering cells operating in their respective divisions. Divisions that are supporting this operation are New York, Houston, Los Angeles, Boston, and Chicago along with the appropriate

district and resident offices. To date, Operation Cali-Man has generated information leading to over 150 Title III intercepts and 135 arrests and the seizure of just over \$5 million. This operation involves representatives from the INS, IRS, U.S. Postal Service, Metro-Dade Department of Public Safety, and police departments from North Miami Beach, Aventura, Indian Creek, and Homestead, Florida.

Intelligence Operations:

The intelligence collection process is critical to the interdiction of drugs. Each time we dismantle an organization DEA gains vital intelligence about the organization to use, both to further additional investigative efforts, and to increase the accuracy of intelligence information provided to interdiction operations conducted by other law enforcement agencies. The domestic and international aspects of trafficking organizations are inextricably woven together. U.S. law enforcement must be able to successfully attack the command and control functions of these international drug trafficking syndicates on all fronts if ultimate success in diminishing the operational effectiveness of these organizations is to be achieved.

The Joint Information Collection Center (JICC) is a combined DEA/Department of State and El Paso Intelligence Center (EPIC) program managed and operated by EPIC. The purpose of this multi-agency effort is to collect and analyze data relating to the trafficking of drugs with international origins and transshipment points. DEA, in cooperation with the Department of State, provides computer terminals to foreign government agencies, such as their narcotics units, customs agencies, and other law enforcement entities, to enter daily activity records of people, vessels, and aircraft. This information is compiled from all of the participating countries and analyzed to identify linkages to possible drug trafficking and other illegal activities. Through their local JICC, participating foreign counterparts may query the universal database at the El Paso Intelligence Center, which is a central hub for all of the participating JICCs. Then, normally within 24 hours, EPIC returns the response to the DEA Country Attaché for review and delivery to the local foreign counterpart. The JICC program is currently in operation in 22 countries across the globe.

Supplemental Law Enforcement Assistance:

Highway interdiction is central to drug enforcement, especially on the Southwest border, since a vast number of seizures occur at checkpoint stops within 150 miles of the border in Arizona, California, New Mexico, and Texas. In addition to their drug and money seizures, state, local, and Federal agencies generate valuable intelligence on trafficking patterns, concealment methods, and cell membership and structure. Presently, there are drug interdiction programs promoted and monitored by the El Paso Intelligence Center, but carried out by state and local law enforcement officials. The operations are active along the highways and interstates most often used by drug organizations to move drugs north and east, and illicit money south and west. With DEA support, state and local highway officers are able to execute controlled deliveries of the drug shipments they seize, thereby furthering their own investigations. Furthermore, these programs consist of three elements: training, real-time communication, and analytic support. With support

from EPIC, training schools are designed and delivered to state and local highway officers across the nation.

During the third quarter of FY '99, such programs delivered 12 training schools involving a total of 1,028 state and local officers. During this same period, in the five Southwest border states of Arizona, California, Florida, New Mexico, and Texas, seizures amounted to 34,303 kgs. of marijuana; 2,159 kgs. of cocaine; 184 kgs. of methamphetamine; 30 kgs. of heroin; 5 kgs. of crack cocaine, and over \$23.03 million.

Budgetary Commitment:

Since 1996, DEA funding for Southwest Border operations has increased precipitously, rising from a total of \$116.0 million in FY 1996, to \$161.0 million in FY 1999, an increase of 39 percent. During the same time frame, DEA has dedicated a total of 167 additional Special Agent positions to Southwest border offices and operations. At present, DEA allocates roughly 11 percent of the agency's total budget to ongoing Southwest border operations.

Cooperative Efforts with the Government of Mexico:

Subsequent to the arrest of General Rebollo in 1997 and the establishment of mechanisms within the Mexican law enforcement infrastructure, such as the Base Intelligence Units (BIU) and the Vetted Unit program, DEA became cautiously optimistic relative to the prospects of the GOM's commitment to bilateral investigations. Furthermore, the DEA has supported these programs financially and with other resources in the hope that our efforts would result in a successful attack against the drug lords who are creating so much damage to the citizens and communities with the United States. However, continuing reports of corruption and the rapidly growing power and influence of the major organized criminal groups in Mexico cause us great concern about the long-term prospects for success. Perhaps, the recent arrest of Operation Impunity target Jaime Aguilar Gastelum, by Mexican authorities, is indicative of the GOM's future commitment to such joint ventures.

Presently, the DEA and the Government of Mexico's (GOM) equivalent to the DEA, the Fiscalía Especializada Para la Atencion de Delitos Contra la Salud (FEADS), continue to conduct joint investigative endeavors throughout Mexico. The joint investigations are being conducted with the two primary investigative components of the FEADS Vetted Units, the Sensitive Investigative Units (SIUs) and the Base Intelligence Units (BIUs). As of June 1999, the GOM only had a total of 64 FEADS agents assigned to the Vetted Units (47 assigned to nine BIUs, and 17 assigned to three SIUs), despite the fact that DEA and the FBI conducted 539 polygraph examinations of FEADS personnel, resulting in 343 FEADS personnel being vetted according to U.S. standards. Approximately 280 of these vetted Agents are unaccounted for. It is unknown to DEA where these Agents are assigned.

Overall, the GOM has provided limited support to the Vetted Units, in terms of manpower, funding and equipment. Virtually all of the BIUs are under-manned and

under-equipped. The BIU offices are sparsely furnished and contain only the most basic investigative equipment. In terms of staffing, the 64 FEADS Agents currently assigned to Vetted Units represents a decrease of four Agents from that reported by the GOM in December 1998. The decrease in personnel is due in part to the fact that three FEADS Agents assigned to the Monterrey BIU were arrested on March 2, 1999 on extortion charges; two FEADS Agents assigned to the BIU in Tijuana were arrested on September 13, 1998 on kidnapping charges; and one OCU Agent assigned to the Mexico City SIU was arrested on marijuana possession charges in Saltillo, Mexico on February 22, 1999. In Monterrey, Nuevo Leon, the charges against one of the three FEADS Agents were subsequently dropped when he testified against the other two FEADS Agents regarding the extortion charges. This Agent has since returned to the Monterrey BIU.

The investigative achievements by the BIU and the SIU as related to cases against the major Mexican drug trafficking organizations are minimal. The inability of these units to fully employ the provisions of the Organized Crime Law to properly investigate these major organizations has been equally disappointing. Further complicating investigative efforts, the Mexico City-based SIU was compromised in February 1999 by a Mexican news expose describing the operations of that unit, to include its location, its activities and its investigative targets. Because of this, the SIU has been largely shut down, and the GOM is in the process of searching for a new site to relocate the SIU. In addition, personnel from the Mexico City SIU have been separated into several smaller groups and deployed to various regions throughout Mexico in order to work other investigations. With these deployments, the SIU's cohesiveness has been significantly damaged. For example, in recent months vetted unit personnel of the Organized Crime Unit (OCU), of which the SIU is a part, have been investigating a drug smuggling network of the Carrillo-Fuentes organization in Cancun, headed by Alcides Ramon-Magana. During the course of this investigation, DEA has shared three principal witnesses with the OCU, which have provided information regarding the ties of this organization to corrupt high level military and civilian GOM officials, to include the former Governor of the State of Quintana Roo, Mario Villanueva Madrid. The information gleaned from these witnesses has resulted in the seizure of real estate in Quintana Roo and the arrest of several defendants in this case. In addition, the GOM issued arrest warrants for a total of 44 individuals associated with Ramon-Magana including an arrest warrant issued on April 5, 1999, against former Governor Villanueva Madrid on 28 counts of drug related offenses. Unfortunately, although important, the reassignment of OCU personnel to this investigation has resulted in the temporary cessation of any other investigative work previously initiated by the unit.

As reported earlier, in an effort to enhance coordination between U.S. law enforcement and the BIU's, as well as to improve bilateral investigations, DEA has acquired office space in three U.S. cities—San Diego, California, El Paso, Texas and McAllen, Texas. These sites serve as investigative coordination sites and afford Agents from the BIUs, DEA's Mexico Resident Offices (ROs) and domestic field offices from DEA, the FBI, and the U.S. Customs Service, a location to meet on a regular basis, and exchange information on trafficking organizations operating along the Southwest border.

Initial meetings between representatives of the respective U.S. law enforcement personnel and GOM vetted units have been conducted in San Diego, California and McAllen, Texas to discuss potential mutual targets of investigation. To this end, the GOM formed an Arellano-Felix Organization (AFO) Fugitive Apprehension Team, with a base in Tijuana, Mexico. The newly formed FEADS AFO Fugitive Team arrived in Tijuana, Baja California Norte, during the early part of May 1999. Although based in Tijuana, this team, in theory, is to travel throughout the country of Mexico in pursuit of their sole target, the AFO. The AFO Fugitive Team is to be staffed with a total of 15 to 20 vetted and U.S. Government trained Agents. To date, the AFO Fugitive Team is staffed with only nine "super-vetted" agents, and has not participated in any significant enforcement activity.

In McAllen, Texas the Monterrey-based BIU has met with representatives of the DEA, U.S. Customs and the FBI, whereby Gulf Coast cartel trafficker Salvador Gomez-Herrera was identified as their mutual target. A similar binational meeting was held on April 6, 1999 in El Paso, Texas, to discuss initial operational targets in that area; however, no significant enforcement activity has occurred in Mexico regarding this investigation.

Ultimately, DEA believes that the vetting process is our best chance at ensuring integrity with our counterparts. DEA will remain actively engaged with our GOM counterparts relative to this process. DEA will also encourage the GOM to fully staff and support the BIUs and the SIUs with FEADS personnel that have already been vetted. However, without the willingness of the GOM to pursue leads involving corruption, the merit of this labor intensive and expensive process is questionable. Until such time that adequate anti-corruption assurances and safeguards can be implemented, DEA will exercise extreme caution in sharing sensitive information with our Mexican counterparts.

Conclusion:

Americas' long experience with countering organized criminal activity has necessitated the development of an aggressive, cohesive and coordinated strategy to identify, target, arrest and incapacitate the leadership of these organizations along the SWB. DEA's role in addressing the drug problem is to continue to attack the leadership of these international criminal organizations. With a strategy consisting of mounting attacks on the organizational command and control of Mexican trafficking groups which operate along the Southwest border, the DEA is able to diminish the ability of these organizations to conduct business and impede their efforts to import drugs into the U.S.

Due to expansive geography, diverse demographics and overlapping law enforcement agencies and drug units, intelligence gaps have always existed along the SWB. Therefore, it is imperative for law enforcement to continue to facilitate the flow of information and intelligence with identifying and removing impediments to cooperation. In this vein, it is vital for the DEA, along with other USG agencies, to continue to support the GOM in the field of counter narcotics operations. In turn, it is hoped that the GOM will provide

adequate investigative manpower, financial resources, equipment and reciprocal drug intelligence in support of bilateral drug law enforcement. It is abundantly clear that concerted law enforcement efforts, such as "Operation Impunity," will significantly improve our ability to counter drug trafficking organizations along the SWB.

Mr. MICA. Thank you. I would like to recognize General Anderson.

General ANDERSON. Mr. Chairman, and distinguished members of the subcommittee, it is a privilege to appear before you today. I have prepared a statement to be entered into the record.

Mr. MICA. Without objection, your entire statement will be made part of the record. Proceed, please.

General ANDERSON. Joint Task Force Six represents the Department of Defense Title 10 commitment to provide military capabilities in support of domestic law enforcement agencies' efforts against the flow of the illegal drugs into the United States. Joint Task Force Six does not initiate counterdrug operations. Instead, we support the operations of competent and professional law enforcement agencies. We take pride in providing that support.

My official statement provided for the record details my mission. There are three words, however, in the mission statement that I would like to highlight: support, integrate, and synchronize.

I emphasize the word "support." With domestic law enforcement agencies in the lead, military units provide a capability that supports their efforts. Joint Task Force Six provides support in three categories: operational, engineering, and general support.

Operational support includes ground reconnaissance and sensors, aviation reconnaissance, medical evacuation, and transportation. Engineering consists of assessments, roads, fences, barriers, border lights, shooting ranges, and facilities. General support includes intelligence analysts, mobile training teams, intelligence architectural assessments, maintenance and technology missions.

In the fiscal year 1999, we will execute a total of 413 missions in support of law enforcement operations, such as "White Shark," "Rio Grande," "Hold the Line," and "Gulf Shield." Our priority of effort is the Southwest border. The majority of my operations directorate focuses its efforts on support to law enforcement agencies and High Intensity Drug Trafficking Areas along the Southwest border.

In conclusion, Joint Task Force Six provides Department of Defense capabilities from the Army, Navy, Air Force, and Marine Corps, active duty, reserve, and National Guard, in support of law enforcement agencies throughout the United States. The multi-service, multi-agency nature of our support is challenging, complex, and necessary.

Thank you for giving me the opportunity to speak before you today. I look forward to your questions.

[The prepared statement of General Anderson follows:]

RECORD VERSION

STATEMENT BY

BRIGADIER GENERAL DORIAN T. ANDERSON
COMMANDER
JOINT TASK FORCE SIX

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES
HOUSE OF REPRESENTATIVES

FIRST SESSION, 106TH CONGRESS

THE DRUG THREAT ALONG THE SOUTHWEST BORDER

24 SEPTEMBER, 1999

FOR OFFICIAL USE ONLY
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COMMITTEE ON GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES

Introduction

Mr. Chairman and distinguished members of the committee, it is a privilege to appear before you today. Joint Task Force Six, the unit I command, represents the Department of Defense commitment to provide Title 10 military capabilities in support of domestic civilian law enforcement agencies' efforts against the flow of illegal drugs into the United States. I would like to take a few minutes to describe some of our endeavors in this regard.

Mission

My mission is to synchronize and integrate Title 10 Department of Defense operational, technological, training and intelligence support to Law Enforcement Agencies' counterdrug efforts within the continental United States to reduce the availability of illegal drugs. Our support is designed to assist law enforcement agencies in their efforts to deter, detect, disrupt and dismantle illegal drug trafficking organizations. Joint Task Force Six support serves as a multiplier to law enforcement agencies' efforts and enhances their effectiveness and maximizes their resources.

Commander's Intent

My intent is to provide Title 10 military units in support of drug law enforcement agencies to stem the flow of illegal drugs into the continental United States. I would like to emphasize the words "in support of." With domestic law enforcement agencies in the lead, military units support their efforts with capabilities that are requested by law enforcement officials. We accomplish this support by deploying elements such as aviation reconnaissance units into

operational areas. All supporting personnel are briefed on the Joint Chiefs of Staff Standing Rules of Engagement, trained in the legal constraints of the Posse Comitatus Act, intelligence oversight regulations and the environmental laws and statutes in the area in which they operate. Units deployed by Joint Task Force Six provide positive, 24 hour command and control of all assigned personnel through appropriate measures to ensure force protection, prevent accidents and ensure successful mission performance.

Joint Task Force Six Support Role

Joint Task Force Six has no authority to initiate counterdrug operations. Requests for Joint Task Force Six support from Federal, state and local law enforcement agencies are processed through Operation Alliance, which is co-located with us at Fort Bliss. Priority, in order, is given to multi-agency requests in a High Intensity Drug Trafficking Area, single agency requests in a High Intensity Drug Trafficking Area, multi-agency requests outside of a High Intensity Drug Trafficking Area, and finally, single agency requests outside of a High Intensity Drug Trafficking Area.

Once Operation Alliance has reviewed, approved and prioritized support requests, they are forwarded to Joint Task Force Six for consideration. Upon receipt of the support request from Operation Alliance, my staff ensures the request has a counterdrug nexus, is feasible and is legally acceptable. Included in this process is the determination that the requested support includes valid training benefit to the volunteering unit that will execute the mission. The result is a "win – win situation" that provides great training opportunities for the military

and provides quality support to our nation's law enforcement agencies. Upon approval, the Joint Task Force Six staff solicits appropriate volunteer units from the Army, Navy, Air Force and Marine Corps, both Active and Reserve Components, to accomplish the requested support missions.

Capabilities and FY 99 Level of Support

Joint Task Force Six provides support in three categories: engineer missions, operational missions, and general support missions.

Engineer support consists of assessments, and the construction of roads, fences, vehicle barriers, border lights, shooting ranges and facilities. This support is managed as a long term, multi-year effort. Support requests are carried forward more than one year because it takes several years to complete designs, environmental impact statements and acquire materiel. These missions provide tremendous cost savings to law enforcement agencies and training opportunities to active, reserve and National Guard units under Title 10 authority.

The second broad category is operational support. Operational support includes ground reconnaissance and sensors (if approved by the Secretary of Defense or his authorized designee), aviation reconnaissance, medical evacuation support and transportation.

General support missions make up the final category and include intelligence analysts, mobile training teams, intelligence architecture assessments, maintenance and technology missions. Our intelligence analyst program is our most requested type of support. In this program, military intelligence officers and enlisted specialists work at federal law enforcement

agencies. These individuals analyze the information collected by the supported law enforcement agency. Analysts may also conduct intelligence preparation before ground and air operations which greatly enhances the effectiveness of the mission.

Another high demand type of support in this category is training conducted by mobile training teams. Mobile training team personnel are able to instruct on specific subjects to include: foreign languages, field tactical police operations conducted by the United States Army Military Police School, interview and interrogation, marksmanship training, K-9 training and first aid.

The purpose of technological support is to provide law enforcement agencies with a source of expert advice and on site technological solutions for the purpose of enhancing law enforcement agency counterdrug capabilities. We stay current in cutting edge technological development such as unmanned aerial vehicle reconnaissance, low level radar air interdiction, ground penetrating radar tunnel detection and second generation forward looking infrared imagery.

Finally, Joint Task Force Six contributes significantly to the counterdrug effort through the conduct of intelligence architecture assessments at High Intensity Drug Trafficking Area offices around the country. Members of the Joint Task Force Six Intelligence Directorate conduct these assessments, as requested, and return within two years to conduct follow up assessments. The purpose of these assessments is to provide objective analysis of the organization, structure, technologies and capabilities while providing recommendations, when appropriate, to enhance the overall effectiveness of the

intelligence systems. We continue to visit long established High Intensity Drug Trafficking Areas, revise our assessments and make appropriate recommendations.

This fiscal year (FY99), Joint Task Force Six will execute a total of 413 missions. These missions include: 168 separate intelligence analyst missions totaling 305 individual analysts; 167 mobile training teams; ten aviation reconnaissance missions; seven aviation forward looking infrared missions and 7 intelligence architecture assessment missions. In addition, engineers executed 23 missions. They repaired 130 miles of road and built 5.4 miles of fence, 7 facilities and installed 2 miles of border lights.

The Southwest Border

Joint Task Force Six 's regional priority of effort is the southwest border. The majority of my Operations Directorate focuses its efforts on support to law enforcement agencies and High Intensity Drug Trafficking Areas along the southwest border states of Texas, New Mexico, Arizona and California.

In addition to specific High Intensity Drug Trafficking Area support, the Joint Task Force Six Deputy Commanders routinely interface with the Southwest Border High Intensity Drug Trafficking Area (and its partnership organizations) and law enforcement organizations such as the California Border Alliance Group and the Arizona Alliance Planning Committee.

Joint Task Force Six routinely and systematically shares information with the southwest border National Guard Counterdrug Coordinators. When we find we do not have the capability to support a specific mission, we refer the mission

to the National Guard Counterdrug Coordinator Office for consideration. Twice a year, in order to better coordinate Joint Task Force Six support (Title 10) and National Guard support (Title 32) to law enforcement agencies, Joint Task Force Six either hosts or participates in a National Guard conference. We recently expanded the invitation to all border National Guard Counterdrug Coordinators. The primary focus remains the southwest border. As a result of these conferences, Joint Task Force Six and the southwest border National Guard have signed a mutual agreement that outlines specific coordination measures for information sharing. On a monthly basis we provide the southwest border state National Guard a complete list of mission locations and types; they do the same with us. Together, we deconflict adjacent missions and look for opportunities to combine resources and meet law enforcement agency objectives.

Summary

In conclusion, Joint Task Force Six is a true total force multiplier in the counterdrug effort with operations supporting guidance from the highest National levels. We provide needed Department of Defense capabilities from the Army, Navy, Air Force and Marine Corps to law enforcement agencies throughout the continental United States. Our assistance enables these agencies to be more effective in their campaign against the flow of illegal drugs into the United States. Counterdrug operations are challenging and complex multi-service, multi-agency missions. Conducting these missions benefits our units by providing real-world training opportunities. Thank you for giving me the opportunity to speak before you today. I look forward to your questions.

BRIGADIER GENERAL DORIAN T. ANDERSON**COMMANDING GENERAL****JOINT TASK FORCE SIX**

Brigadier General Dorian T. Anderson assumed command of Joint Task Force Six on 11 August 1998. He is a native of Brazil, Indiana. He graduated from the United States Military Academy in 1975 with a Bachelor of Science degree and was commissioned as a second lieutenant in the Infantry. He holds a Master of Arts degree in Management from Webster University. His military education includes the Infantry Officer Basic and Advanced courses, the Army Command and General Staff College, and the Army War College.

Brigadier General Anderson has served in a variety of command and staff positions. He served as a Rifle Platoon Leader, Antitank Platoon Leader, Battalion Motor Officer, and Company Executive Officer with the 8th Infantry Division's 1st Battalion, 39th Infantry (Mechanized), Baumholder, Federal Republic of Germany. He served with the 82d Airborne Division, Fort Bragg, North Carolina, as the Assistant Operations Officer for 1st Battalion, 504th Airborne Infantry, Assistant Operations Officer for 1st Brigade, and Company Commander of C Company, 2nd Battalion, 508th Airborne Infantry. After an assignment with the Little Rock District Corps of Engineers as a Project Officer in the Planning Division, Brigadier General Anderson was assigned to the Total Army Personnel Command as an assignments officer in the Infantry Branch.

Brigadier General Anderson served in the 75th Ranger Regiment as the Regimental Adjutant and Battalion Executive Officer, 3rd Ranger Battalion. His next assignment was with the United States Army Pacific Command where he served as Chief, Current Operations Branch and then as Chief of Operations Division. Brigadier General Anderson commanded the 4th Battalion, 87th Infantry, 25th Infantry Division (Light), at Schofield Barracks, Hawaii. After attending the War College, he served as the Chief, Tactics Division, and Director, Combined Arms and Tactics Directorate, Fort Benning, Georgia. Brigadier General Anderson's most recent assignment was Commander of the Ranger Training Brigade, Fort Benning.

Brigadier General Anderson's awards and decorations include the Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal with 3 Oak Leaf Clusters, Army Commendation Medal, Humanitarian Service Medal with Oak Leaf Cluster, Combat Infantryman Badge, Expert Infantryman Badge, Master Parachutist Badge, and Ranger Tab.

Mr. MICA. Thank you, and we will suspend questions until we have heard from all witnesses.

Mr. Michael Pearson, with INS.

Mr. PEARSON. Mr. Chairman, thank you for the opportunity to appear before you today to discuss illegal immigration and drug smuggling on the Southwest border. I am accompanied by Gus De La Vina, Chief of the U.S. Border Patrol.

I want to assure you that the Immigration and Naturalization Service shares your deep concern about the impact these increasingly intertwined criminal activities have on the quality of life not just along the frontier with Mexico, but in communities across the country.

I have provided a written statement that details INS' role in drug interdiction, our strategic approach to border management, and how it strengthens our efforts to counter illegal immigration and drug trafficking, and how these efforts are fortified further through cooperation with other Federal, State, and local agencies.

Let me summarize the major points. The primary enforcement mission of INS is to prevent the unlawful entry of migrants into the United States, remove those who are here illegally, and ensure that all those who enter the country at land, air, and sea ports are authorized to do so.

Carrying out these responsibilities has put INS on the front line of our Nation's fight against drugs. INS' vital role in our national counterdrug effort is attributable to changing patterns in both narcotics smuggling and illegal migration.

In response to the increased complexity of illegal immigration, INS developed an innovative multi-year strategy to strengthen enforcement of the Nation's immigration laws along the Southwest border. The strategy treats the entire 2,000-mile border as a single seamless entity integrating enforcement activities between the ports of entry with those taking place at the ports.

Under the strategy, we deployed additional personnel to targeted areas, backing them with force-multiplying technology such as infrared scopes, and underground sensors, and infrastructure improvements. The strategy would not be as successful as it has been without one vital element: the cooperation and coordination with other Federal agencies, as well as State and local enforcement.

Our comprehensive border control strategy has produced impressive results in both deterring illegal immigration and combatting drug smuggling. In fiscal year 1998, for example, apprehensions of undocumented migrants in the San Diego sector, which at one time accounted for nearly half of all apprehensions nationwide, fell to an 18-year low. Thus far this fiscal year, Border Patrol agents and immigration inspectors working along the Southwest border seized more than 1 million pounds of drugs destined for American streets.

Simply seizing record amounts of drugs is not enough. We need to dismantle the criminal networks involved in drug trafficking. This is where our cooperation with other agencies is critical. Both at and between ports of entry, we work closely with the Drug Enforcement Administration [DEA], U.S. Customs, and others, to ensure that drug traffickers are prosecuted to the fullest extent of the law.

For example, in two separate incidents this week, Border Patrol agents in McAllen, TX discovered more than a ton of marijuana hidden in a compartment of a trailer they were inspecting, and 1,400 pounds of cocaine in a truckload of rotten watermelons. The drugs, valued at a total of more than \$46 million, were turned over to DEA, which will develop the case against the drivers and others who may have been involved.

I am proud of the role INS personnel play in combating the scourge of illegal drugs. It is a role they have embraced, even though, in carrying it out, they often place themselves at great personal risk. For example, last year alone, six Border Patrol agents were killed in the line of duty, three of whom were killed by drug smugglers or by individuals under the influence of drugs.

We have made great strides in protecting our borders against illegal immigration and drug smuggling, but our efforts need to be strengthened. I look forward to working with Congress to achieve this. Thank you for the opportunity to testify before the subcommittee. I will be pleased to answer any questions.

[The prepared statement of Mr. Pearson follows:]



U.S. Department of Justice
Immigration and Naturalization Service

*425 I Street NW
Washington, DC 20536*

Statement of

**Michael A. Pearson
Executive Associate Commissioner
For Field Operations
Immigration & Naturalization Service**

Before the

**House Government Reform Committee
Subcommittee on Criminal Justice,
Drug Policy and Human Resources**

**Regarding
Illegal Immigration and Drug Trafficking
Along the Southwest Border**

**September 24, 1999
9:30 a.m.
2203 Rayburn House Office Building**

Mr. Chairman, Congresswoman Mink, and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss illegal immigration and drug smuggling on the southwest border. My testimony will define the Immigration and Naturalization's (INS') role in the interdiction of drugs. I will describe the INS' strategic approach toward border management, with a focus on our enforcement strategy to counter illegal immigration and drug smuggling across the southwest land border. Additionally, the testimony will cover INS' cooperative effort with other Federal, State and local agencies. Finally, I will address technological improvements, which have significantly aided INS to carry out its mission.

The primary mission of the INS is to administer immigration law, confer benefits on qualified applicants and enforce both the criminal and civil provisions of the Immigration and Naturalization Act. Although the INS' statutory enforcement authorities do not include enforcement of drug laws, this agency has been and will continue to be an important part of our national counter-drug effort.

At ports-of-entry INS works closely with U.S. Customs on drug seizure cases; these cases are turned over to U.S. Customs for disposition.

Between ports-of-entry the Border Patrol has the primary responsibility to intercept drugs; these cases are turned over to the Drug Enforcement Administration (DEA) or Customs, for federal cases, or to local law enforcement agencies for non-federal level seizures.

Our enforcement goals at the border include protecting the borders against illegal entry and facilitating lawful cross-border travel. These are no small tasks. Last year, U.S. Border Patrol agents, patrolling 6,000 miles of northern and southern border, made over 1.5 million apprehensions of illegal aliens. Immigration Inspectors at land, sea, and air ports-of-entry examined over 503 million persons applying for entry into the United States.

As the INS moves toward more expedient and effective methods in screening applicants at ports-of-entry, intensifies its efforts in investigating immigration-related crimes within the United States, and preventing illegal entry between the ports, we also impact the illegal flow of drugs, in concert with other law enforcement agencies.

The Border Patrol's goal is to deter alien and contraband smuggling from crossing the border and entering the United States. For those not

deterred we interdict, and the Border Patrol continues to interdict record quantities of drugs between ports-of-entry. INS agents actively participate in Federal drug enforcement and interdiction efforts, such as the Organized Crime Drug Enforcement Task Force (OCDETF), as well as State and local drug task forces, to identify and prosecute aliens who are involved in drug organizations.

In 1994, INS adopted a strategic approach to border management. In this approach, operations designed to achieve control of the border at the ports-of-entry are integrated with operations to deter entry between the ports-of-entry.

BORDER MANAGEMENT

In the area of border management, INS has made significant strides to increase control of the border over the past five years. Nowhere else is the success of our strategic approach to enforcement more evident than along the Southwest border. Before 1993, there was no comprehensive unified plan for controlling this 2,000-mile frontier. The number of Border Patrol agents was insufficient to get the job done, and those we did have did not have all the equipment and technological support necessary to do the job.

As a result, illegal immigrants and drug smugglers came across the border with little fear of apprehension.

In February 1994, under the leadership of Attorney General Janet Reno and Commissioner Doris Meissner, INS embarked on an innovative, multi-year strategy to strengthen enforcement of the nation's immigration laws and to disrupt illegal entry via traditional smuggling corridors along the nation's Southwest border. Under the strategy, additional personnel, backed with equipment and infrastructure improvements, were deployed in targeted areas each year, starting with the most vulnerable areas. Agents' effectiveness is enhanced by resource-multiplying technology such as infrared scopes, night-vision goggles, underground sensors, and data processing automation, which includes a recidivist and lookout database. Enforcement infrastructure along the border is also being improved by installing fences, anti-drive through barriers and constructing all-weather roads to enhance mobile patrolling efforts.

The goal of our strategy is clear: a border that works; one that deters illegal migration, drug trafficking, and alien smuggling, while facilitating legal traffic through the ports-of-entry. Simply stated, the strategy is to

regain control of the border by focusing new resources on those areas where most of the illegal crossings occur. To meet this goal, we initiated unparalleled growth in personnel and resources. Since FY 1993, we have more than doubled the number of Border Patrol agents to over 8,000 as of the end of August, with the vast majority stationed along the Southwest border.

The strategy treats the entire 2,000-mile Southwest border as a single, seamless entity. All sectors are working under a single framework in terms of its goals, while the approach is individualized by the unique nature of each sector. Enforcement activities between the ports-of-entry are integrated with those taking place at the ports, which the strategy recognizes as both vital to the nation's economy and potential entry points for criminals and contraband. As a result, INS has been able to apprehend alien and drug smugglers across ever greater expanses of the Southwest border, while facilitating the entry for those trying to cross the border legally.

INS has achieved considerable success in restoring integrity and safety to the Southwest border by implementing the strategy through well-laid-out multi-year operations, such as Operation Gatekeeper in California

and western Arizona, Operation Safeguard in central and eastern Arizona, and Operation Rio Grande in New Mexico and Texas. The initial phases of these operations typically result in an increase in apprehensions, reflecting the deployment of more agents and enhanced technology. As the deterrent effect takes hold, the number of apprehensions decline.

California and Western Arizona

Launched in October 1994, Operation Gatekeeper has proven that deterrence works. Initially, the operation focused on a critical 5 mile stretch of the nearly 2,000 miles of southern land border near Imperial Beach, California that accounted for nearly 25 percent of all illegal border crossings nationwide. Once the Border Patrol regained control of this heavily trafficked stretch, Gatekeeper was expanded to include the entire 66 miles of border under the San Diego Sector's jurisdiction. As a measure of Border Patrol control, apprehensions in FY 1998 reached an 18-year low in the sector. Apprehensions in this sector, which accounted for 45 percent of all apprehensions nationwide before Gatekeeper, dropped to 16 percent in FY 1998. So far this year, apprehensions continue to decline and the integrity of the border continues to improve in this critical stretch of border.

INS extended Gatekeeper in FY 1998 into California's Imperial Valley and Yuma County in Arizona. The expanded operation targets alien smuggling rings that moved their operations in response to the increased Border Patrol presence in San Diego.

Texas and New Mexico

El Paso's Operation Hold the Line, now integrated into the more comprehensive Operation Rio Grande, began in 1993 and is now firmly established. Hold the Line, the first major operation of its kind, produced a 50 percent decline in apprehensions from FY 1993 to FY 1996. Building on that success, INS launched Operation Rio Grande in August 1997 to gain control of the border in the Rio Grande Valley and ultimately expand the coverage across all of Texas and New Mexico. Operation Rio Grande is now focused on McAllen, Texas.

Operation Rio Grande is divided into three targeted corridors. The operation began in Corridor 1, encompassing McAllen and Laredo Sectors. In FY 1998, McAllen Sector's apprehensions decreased 16% compared to FY 1997. In McAllen's Brownsville station, the target area, apprehensions decreased by 35% during that time. As of August of this year,

apprehensions in McAllen are 17% lower than in FY 1998. As the operation becomes increasingly more effective at denying access to in Corridor 1, we are enhancing our efforts in adjacent areas, ultimately leading to greater control over illegal entries across all of Texas and New Mexico.

Central and Eastern Arizona

Launched in FY 1995, Operation Safeguard redirected illegal border crossings away from urban areas near the Nogales port-of-entry to comparatively open areas that the Border Patrol could more effectively control. Tucson Sector was the busiest sector on the Southwest land border in FY 1998, and that trend continued as apprehensions increased by 71,324 or 23% for the first 10 months of FY 1999. Some part of the increase in apprehensions is attributable to an improved enforcement capability made possible by adding agents, better equipment and enforcement infrastructure to the Tucson Sector. Once the 350 agents allocated in the FY 1999 budget are on-board in Tucson, 1,087 agents will have been added to the Tucson Sector since 1994.

As in other operations, the infusion of agents into Operation Safeguard has been backed by a wealth of new equipment and technology.

In addition to IDENT terminals, crucial improvements include the installation of 19 additional remote low-light surveillance cameras along the border in Nogales and Douglas, making it possible for one officer to monitor border activity at several different locations simultaneously, freeing up more agents to patrol the line. Border access roads in the greater Nogales area will be improved. Plans also include the installation of four miles of border lighting in Nogales and three miles of lighting in Douglas, expanding the existing 1.3 miles already in place.

In the areas where we have concentrated our efforts, we have demonstrated that deterrence works even in the most difficult conditions. We continue to concentrate resources on critical operational areas of the Southwest border, in support of this strategy. Once we establish control of the Southwest border, the strategy's emphasis will broaden to include the coastal and northern border sectors.

BETWEEN THE PORTS OF ENTRY

The Border Patrol has been interdicting every kind of contraband and smuggler since its inception in 1924. The Border Patrol's strategic plan emphasizes controlling the border between the ports-of-entry through

deterrence. This year's National Drug Control Strategy, acknowledges the Border Patrol as...“the primary federal drug interdiction agency along our land border with Canada and Mexico. Strategically, the more effective the Border Patrol is at deterring illegal entry of any kind, the more effective are the counter drug strategies of the inspections agencies at the ports and investigative agencies in the interior. The Border Patrol specifically focuses on drug smuggling between the Ports-of-Entry.”¹

The Border Patrol interdicts drugs mainly through two different kinds of enforcement activities: patrolling the border itself and by conducting inspections at traffic checkpoints within the United States.

Between ports-of-entry, where Border Patrol is the lead agency responsible for interdicting drugs, Border Patrol turns its drug seizure cases over to the DEA, Customs or another Federal, state, or local agency for investigation and prosecution.

On March 25, 1996, INS and DEA signed a Memorandum of Understanding (MOU) which outlines the authorities, responsibilities, and

¹ 1999 National Drug Control Strategy, p69.

general procedures for the Border Patrol to follow in its drug interdiction activities. The Border Patrol is also a participant in the INS and U.S. Customs Border Coordination Initiative. As evidenced by the cooperation and good working relationship among INS, DEA and Customs, drug investigation efforts and interdictions are on the rise.

One recent example of this cooperative effort is Operation Southwest Express. The investigation began with two years undercover work by two Special Agents in the El Paso District and culminated in a multi-state, multi-agency sting operation that so far has resulted in the arrests of ten subjects and seizure of three tons of cocaine and four tons of marijuana.

While drug seizures have remained fairly steady over the past several years, we have seen an increase this year. This year, the Border Patrol has already made more drug seizures and intercepted more drugs than ever before. Although the fiscal year has not yet ended, from October through August Border Patrol agents had already made 7,310 drug seizures, seized 1,083,348 pounds of marijuana, and seized 26,104 pounds of cocaine. Compared to the full year statistics from last year, the partial statistics from this fiscal year represent a 10 per cent increase in the number of seizures, 24

per cent increase in the pounds of marijuana, and 15 per cent increase in the pounds of cocaine.

BORDER COORDINATION INITIATIVE

INS and U.S. Customs established a border management system to increase cooperative efforts to interdict drugs, illegal immigrants, and other contraband, while maintaining the flow of legal immigration and commerce. This initiative, known as the Border Coordination Initiative (BCI) concentrates on improving cooperation in six areas: port management, investigations, intelligence, technology, communications, and aviation and marine interdiction and resource sharing.

In 1998 key INS and Customs personnel met and joint action plans were agreed upon and implemented. The Justice and Treasury Departments continue to work closely with the Office of National Drug Control Policy and other relevant agencies to implement the plan to combat the flow of drugs, illegal aliens and other contraband.

Since its implementation the BCI has had a number of success stories. The Brownsville, Texas multi-agency Intelligence Collection Analysis Team

(ICAT) is currently doing an analysis report that links violators, vehicles, and associates with Customs cases. A local grocery store chain has begun printing on their cash register receipts the Brownsville BCI/ICAT 1-800 number to report narcotic smuggling, alien smuggling, the illegal export of firearms and currency, and other illegal activities. Intelligence gained from this effort has already resulted in apprehensions and seizures in the Brownsville area.

In Calexico, California INS, Customs, and the U.S. Department of Agriculture conduct weekly joint musters in which ICAT officers brief the rest of the staff on the latest intelligence for the port. The intent is to brief officers simultaneously on issues that may be of interest to narcotic interdictions and INS apprehensions.

Searching techniques at ports-of-entry, such as the use of stethoscopes to detect contraband concealed in the vehicle tires, were shared with the Border Patrol K-9 handlers in El Paso, Texas. As a result, a Border Patrol agent was able to seize over 150 pounds of marijuana concealed in the tires of a vehicle. Border Patrol and Customs aircraft have successfully communicated actual and suspected illegal pedestrian activities to bridge

shift supervisors in El Paso. These actions resulted in successful apprehensions and deterrence of smuggling activities.

In Nogales, Arizona Customs Canine Enforcement Officers and their K-9s have begun assisting Border Patrol Agents at the checkpoint, and responding to the scene of vehicle stops in the area. Since the initiation of this joint effort, Customs K-9s have been instrumental in locating and seizing an additional 530 pounds of marijuana.

AUTOMATION AND TECHNOLOGY

Technology improvements have also played a key role in the success of our enforcement functions. Our technology investments make our agents more effective in every phase of border enforcement from deterrence to apprehension to case processing. For example, the IDENT system, a fingerprint-based system, allows agents to positively identify criminal aliens and previously apprehended border crossers. This data is important in developing prosecution strategies that reinforce deterrence efforts, and in examining border-wide illegal entry trends. We are coordinating closely with FBI on ways to increase the availability of fingerprint information.

In FY 1998, INS began installing ISIS, the Integrated Surveillance Intelligence System, which links night vision cameras to centrally located command centers equipped with video monitors allowing a single agent to monitor a vast area of terrain. The ISIS system also includes ground sensors which, when triggered, send a signal to a designated camera. The video-monitoring site is alerted and can immediately view the site. This technology significantly enhances Border Patrol's ability to maximize effectiveness and agent safety. Other high tech tools include personal night vision equipment, long range infrared scopes, encrypted radios and GPS, Global Positioning System locators.

CONCLUSION

Enforcement of immigration law is complex and resource intensive. Our enforcement goals include protecting the borders against illegal entry, including smugglers of aliens and smugglers of drugs. We have made great strides in addressing problem areas. We want to work with Congress as we continue our efforts to improve our nation's immigration system. Thank you for the opportunity to testify before the Subcommittee today. I am pleased to take any questions you may have.

Mr. MICA. Thank you.

Mr. Banks, how long is your statement?

Mr. BANKS. Very brief, Mr. Chairman.

Mr. MICA. OK. You are recognized.

Mr. BANKS. Mr. Chairman and members of the committee, thank you for the opportunity to appear before you. Mr. Chairman, Commissioner Kelly asked me to personally thank you for your support, and to recognize your recent participation at the event we had for the B3 domed radar aircraft.

U.S. Customs is responsible for enforcing the Nation's laws at our borders. We protect American industry from unfair competition, the public from unsafe foods. We even check for weapons of mass destruction. But our No. 1 enforcement priority is drugs and drug money. On a typical day, Customs officers seize 3,654 pounds of narcotics and \$1.2 million in currency.

Our primary focus on the narcotics effort is the southern tier of the United States and, specifically, the Southwest border. This job to ferret out drugs on our border with Mexico is huge: 278 million people, 86 million cars, 4 million trucks. Our work force has remained relatively stagnant in recent years, but narcotics seizures have continued to increase. This is because we have pursued a variety of initiatives.

Two of the initiatives I would like to mention are the Border Coordination Initiative and our 5-year technology plan. The Border Coordination Initiative [BCI], was designed to improve coordination amongst the Federal law enforcement resources along our Southwest border; to give us a seamless process for moving these volumes of traffic through our ports, and to improve our interdiction efforts of narcotics, aliens, and other contraband.

We in INS set out a very aggressive agenda to design how we would manage our ports, how we would link our tactical interdiction operations, how we would provide unified investigative and aviation support and enhance our integrity programs. BCI has been a force multiplier: Cocaine seizures are up 27 percent, marijuana by 23 percent, and heroin seizures by 33 percent; in part, we believe, attributable to better integration of our enforcement efforts.

We have doubled our controlled deliveries, which is when we take a seizure up the narcotics organization food chain. The Border Patrol has joined our tactical intelligence units along the border, and they recently told General McCaffrey it was one of the best resource investments they have made.

Our technology plan for the southern tier, which Congress supported with funding last year, has placed eight large truck X-rays at our major commercial crossings along that Southwest border. We are now in the process of acquiring mobile truck x rays and mobile gamma ray systems that produce images of the contents and even show false walls in the containers—even into double-walled propane tankers.

We are testing a variety of new technologies, such as a pulse fast neutron analysis. We are installing gamma ray imagers for rail cars and high-energy x ray systems to examine sea containers. This is coupled with a whole series of other hand-held and information technology systems that we have designed. We can do the narcotics work and not have to seriously impact traffic.

With the support of the National Guard, we have loaned mobile x rays to help Border Patrol with special operations at their checkpoints. Our systems are designed to be multi-purpose, so that they support more than one agency. They do not just look for narcotics, but they can also spot people that are hidden inside these rail cars that are coming in. They can even find radioactive materials inside these containers.

Mr. MICA. Mr. Banks, I am going to cut you short, here.

Mr. BANKS. Yes, sir.

Mr. MICA. There are four votes. We are going to recess the committee for 1 hour. We will come back at 1:40. If you have any comments at that point, we will finish at that juncture, and we will also have an opportunity for questions. The subcommittee is in recess.

[Recess.]

Mr. MICA. I would like to call the subcommittee back to order. When we concluded, Mr. Sam Banks, Deputy Commissioner of U.S. Customs, was testifying.

Did you want to conclude, sir?

Mr. BANKS. Mr. Chairman, yes, I would like to very briefly.

In addition to the Border Coordination Initiative, in addition to the technology piece that I talked about, the Commissioner of Customs chairs which is called the Interdiction Committee. It is the heads of all law enforcement agencies that are linked to drug interdiction. That committee is now engaged in developing a coordinated, fully integrated, multi-agency plan developed for what is called the "arrival zone." It is really where the drugs first arrive into the United States, so it is heavily tied to the borders. This is being done in full support of ONDCP.

As a first step to boost this level of inter-agency coordination, we are taking the Border Coordination Initiative and looking to integrate the activities of the Coast Guard, to integrate DEA more into it, to bring the State and local law enforcement agencies closer, and to link it with the high-intensity drug trafficking centers.

So this whole drug interdiction thing obviously is a difficult, complex job to do with the limited resources we have, but we believe we are continuing to make progress in having a united front to deal with it. Thank you, Mr. Chairman.

[The prepared statement of Mr. Banks follows:]

Testimony of Samuel H. Banks
Deputy Commissioner
United States Customs Service
Before the U.S. House of Representatives
Government Reform Committee
Subcommittee on Criminal Justice, Drug Policy and Human Resources
Examining the Drug Threat Along the Southwest Border
September 24, 1999

Mr. Chairman and Members of the Subcommittee, I am pleased to appear before you today to discuss the U.S. Customs Service's efforts to combat the drug threat along the Southwest Border (SWB).

Before discussing that challenging region, I first want to give the Subcommittee a sense of our overall challenges. Nationwide, on a typical day, Customs makes 87 narcotics seizures, 12 currency seizures, and 139 other enforcement seizures ranging from ammunition and commercial merchandise to arms and child pornography. The average day sees our inspectors and agents seize a total of 3,654 pounds of narcotics and \$1.2 million in U.S. currency from examining an average of 1.3 million passengers and 338,000 vehicles.

In Fiscal 1998, Customs officers seized approximately 1.2 million pounds of illegal narcotics, engaged in about 30,000 investigations, effected more than 23,000 arrests, and seized over \$360 million in ill-gotten proceeds.

In total, Customs is responsible for enforcing more than 600 sections of the U.S. Code on behalf of 60 other Federal agencies. In addition to seizing narcotics and dismantling smuggling organizations, Customs enforcement actions protect domestic manufacturing industries from unfair foreign competition, and help ensure the health and safety of the American public. Through our Strategic Investigations and Antiterrorism initiatives, Customs continuously fights the battle to prevent proliferant countries, terrorist groups, and criminal organizations from obtaining sensitive and controlled commodities, such as Weapons of Mass Destruction. Customs is also a recognized leader in the investigation of cyberspace-related violations, including intellectual property rights violations.

However, drug interdiction is our highest priority and the southwest border is a frontline in this ongoing battle. The windows of opportunities for would-be drug smugglers are staggering. A total of 278 million people, 86 million automobiles, and 4 million trucks crossed the SWB last year. These numbers climb each year as the benefits of NAFTA continue to increase trade with our southern neighbor.

While the total size of our workforce has remained stagnant in recent years, we have been able to re-direct some of our limited resources to the SWB. These

hardworking men and women face an ever-increasing tide of people, vehicles, trucks, trains, and planes. At times it seems as though we could never have too many people or too much equipment.

Our SWB efforts focus on the following areas: improved coordination of federal law enforcement activities; utilization of advanced technology; effective intelligence gathering; and investigative operations. Our actions in these areas have proven to be an integrated and effective response to the drug trafficking organizations that threaten the people of the United States.

Improved border coordination is central to future success. Through the Border Coordination Initiative (BCI), we are confident our past successes will be repeated, duplicated, and surpassed. The Border Coordination Initiative is a proven approach to integrating the efforts of the U.S. Government's border law enforcement agencies. Customs and INS began BCI as a means of creating a seamless process of managing cargo and travelers at our nation's SWB. A process which incorporates the multitude of skills and expertise within each of our organizations, in order to more effectively interdict the flow of narcotics, illegal aliens and other contraband.

BCI was launched in late September 1998, at a conference held here in Washington, D.C. that was attended by all SWB INS and Customs managers. Attorney General Reno, then Treasury Secretary Rubin, U.S. Customs Commissioner Kelly, INS Commissioner Meissner, Deputy Attorney General Holder, and Under Secretary Johnson participated in this meeting. BCI's initial focus was and remains on the SWB, an area we believe to be the primary threat for cocaine, marijuana, methamphetamine and increasingly, heroin.

Since Customs and the U.S. Border Patrol are the two agencies with primary responsibility for drug interdiction along our nation's borders, the "force multiplier" effect generated by BCI has indeed made us a more formidable foe for the smugglers to deal with.

The answer to the narcotics smuggling challenge at the SWB border is very effective coordination, joint planning, and joint implementation. That is precisely what BCI does and does effectively. By comparing 1998 to those same periods in 1999 we see that cocaine seizures are up by 27%, marijuana by 23% and heroin by 33%. Of course there is always room for improvement and we recognize that. However, it is our belief that absent BCI, these improvements would not have been as substantial as they are and we expect them to continue.

I am happy to say that the level of support demonstrated by the Departments of Treasury and Justice at the "roll out" of BCI, continues to this day.

The structure of BCI is founded upon the officers at our frontlines. Their input and daily actions have always provided the basic building blocks for this initiative

and continue to keep our efforts focused on those problems presently facing us along the SWB. We have been able to build upon this information by establishing a solid foundation for the program through:

- The establishment an Office of Border Coordination, Co-Managed by a "Border Coordinator" from Customs and INS
- Setting eight (8) priority areas for the field to focus on, including: Port Management, Investigations, Aviation/Marine Support, Intelligence, Communications, Technology, Integrity and Performance Measurement
- Selecting national Co-Team Leaders from Customs and INS for each of these priority areas and requiring jointly prepared action plans from BCI field managers addressing these topics,
- Stressing Community involvement by providing and exchanging information with the trade and community groups relating to our enforcement effort.
- Addressing the concerns of these groups regarding service and the movement of goods and people.
- Eliminating conventional bureaucratic barriers between agencies in terms of equipment and technology sharing, joint enforcement efforts and procurement
- Integrating local and state law enforcement entities into the national interdiction effort.
- Establishing a scheduled, multi agency reporting system which tracks success, failures and support requests from all SWB areas
- Providing funding in support of the innovative and creative means to apprehend violators of our nation's laws along the SWB
- Providing overall coordination at and between ports of entry to address drug and alien smuggling

In addition to the reasons mentioned above for BCI 's success, we need to stress something intangible, an apparent cultural change. Although the concept of institutionalized cooperation is not new, its full implementation, acceptance and success surely is. How often in the past have we heard of wonderful new inter agency programs which have become bogged down in "turf wars" involving who's going to be the centerpiece?

The Border Coordination Initiative has overcome this stumbling block by fostering a very real and very significant change in the "Culture" of our border law enforcement agencies. Through their "Buy In", we see them standing shoulder to shoulder along our frontlines. Agency self interest is being replaced with programs designed to improve border enforcement. Information is being exchanged freely and honestly amongst the participants as they endeavor to include each other in the decision making process and share their successes.

Without these actions, there is little hope of any joint effort succeeding. For the first time, together we have achieved that success through BCI. By receiving clear guidance from headquarters, those in the field are empowered to plan, implement, and decide what works well for everyone involved.

Many success stories document this cultural change. I would like to review a number of these with you in order to demonstrate what can and is being done.

- Locally agreed upon procedures are being developed and followed on "controlled deliveries". This seemingly minor step has resulted in two immediate interdictions of narcotics and subsequent controlled deliveries. Both of these operations have involved cooperation between the Border Patrol, Customs Office of Investigations, and the Drug Enforcement Administration.
- On September 17, 1999, at a special operation being conducted at a Border Patrol checkpoint in Sierra Blanca, Texas, a mobile truck x-ray, on loan and operated by Customs and National Guard, made a 772 pound marijuana seizure from a commercial vehicle.
- BCI member agencies recently provided briefings and a tour of facilities to ONDCP Director Barry McCaffrey. The Border Patrol advised him that the jointly manned Customs Intelligence Collection and Analysis Team (ICAT) was one of the best resource investments they have made because of actionable intelligence that was being disseminated by that group. The ICAT is a multi agency team, and is becoming the collection point for prioritizing operational and investigative activities for federal interdiction and intelligence efforts along the SWB for both narcotics and alien smuggling.
- In the Ft. Hancock, Texas area the Border Patrol notified personnel at the POE there that they would be conducting an enhanced Linewatch Operation. This notification was made so that the POE could be alert to changes in vehicle and pedestrian traffic which would likely result. The El Paso ICAT has begun making regular field intelligence trips to the Fabens/Fort Hancock POE. Joint radio frequencies are being used on a daily basis between the POE and the Border Patrol.

- Reports that on going cross training between Customs and INS Inspectors is continuing are being received from all areas. Other unique efforts include random "integrity" swaps between INS and Customs Inspectors at the primary inspection booths.
- Cooperation between INS and Customs produced successful traffic management plan diverted traffic due to expected flooding in the southern part of Texas.
- At one Port of Entry, Joint pre and post primary enforcement operations by Customs canine units and Inspectors, INS Inspectors and Agriculture Inspectors resulted in 553 pounds of marijuana seized, 13 drug arrests, \$154,581 undeclared currency seized, 35 alien prosecutions, 94 expedited removals, and 29 withdrawals.
- Customs Air Branches supported Customs and Border Patrol operations in San Angelo, San Antonio, Uvalde, and McAllen resulting in 10 illegal alien apprehensions in one location 75 in another. They also seized 500 lbs of Marijuana and made multiple arrests.
- Local officials and industry personnel acknowledge consistent traffic flow and wait time reductions and more than 500 law enforcement personnel from federal, state, and local law enforcement agencies have attended Border Patrol training on alien smuggling.

Smuggling organizations operating along the southern border are abundant, innovative and resilient. Successful dismantling of these organizations requires a balanced and comprehensive strategy, one that interfaces the functions of all enforcement disciplines. We have developed the "Investigative Bridge" to address this problem. It involves:

- The integration of the Customs enforcement disciplines, investigations, intelligence, interdiction and air/marine operations in an effort to exploit the interrelationship of drug transportation and distribution. By building an "Investigative Bridge" between border smuggling activity and criminal organizations located inland further dismantling of these groups is possible.
- The bridge is built when a drug seizure at a Port of Entry (POE) leads to the identification of an organization's inland command and control center. Similarly, a bridge is also built when investigation of an organization develops information leading to a drug interdiction at the border. Through this focus on integration and cohesion, the Investigative Bridge Strategy maximizes enforcement results.

- Controlled deliveries are an integral part of the strategy. These have proven to be extremely effective in identifying members of organizations and uncovering persuasive evidence of criminal activity.
- Controlled deliveries and cold convoys require close cooperation between inspectors, agents, and local law enforcement, at the interdiction site, along delivery routes, and at the ultimate destination. Timely notification and response by agents, coupled with a seamless hand-off are necessary elements to ensure success of the operation and a “building of the bridge.”
- The strongest bridge is constructed when the talents, abilities, and authorities unique to multiple agencies are combined. Numerous initiatives and task forces exist which embrace this idea, and Customs actively participates whenever possible.

Some specific examples of participation include:

- The Border Coordination Initiative (BCI) ensures comprehensive sharing of border intelligence and coordination of enforcement operations between Customs and the Immigration and Naturalization Service (INS).
- The High Intensity Drug Trafficking Area (HIDTA) program which centralizes Federal and local law enforcement efforts in high-threat areas such as the Southwest border.
- The Organized Crime Drug Enforcement Task Force (OCDETF) which focuses combined Federal and local law enforcement efforts on significant, high-level drug trafficking organizations.

Active participation in these multi-agency initiatives rounds out Customs Investigative Bridge strategy along the Southwest border.

Customs Intelligence assets are constantly interacting with all facets of this organization as well as those of other agencies.

Current intelligence from all sources continues to point towards a highly diverse and constantly evolving smuggling environment that poses major threats all along the border. These threats continue to suggest strong pressure by major trafficking groups using all forms of transportation and all available means.

- The statistics also point toward a significant and ongoing flow of major drugs to the Southwest border.
- Intelligence in FY 1999 has pointed towards routine, multi-ton loads of 6-8 tons at a time being smuggled into Mexico that are subsequently broken down into smaller shipments for movement to the border.
- The drugs are being smuggling by a wide array of drug transportation groups that are using all major conveyances and concealment methods including cars, trucks, vans, oversize vehicles, rail cars, private aircraft and vessels, and pedestrians. A continuing problem that Customs faces is also the use of sophisticated tunnels along the border many of which are capable of handling vehicles as large as cars and accommodating the movement of as much as one ton of drugs per shipment.
- One of the important trends that appears to be intensifying is the proliferation of smaller, more tightly knit organizations which move 100 -150 kilos at a time in a rapid fashion. These groups are subsequently storing the drugs in warehouses and other locations in some of the major urban areas along the border.
- Once a sufficient quantity of drugs is acquired, the groups then move the illegal drugs to major urban areas in the interior of the United States for distribution. These areas include Chicago, Los Angeles, Miami, and New York.

(Example): Customs recently participated in a seizure of approximately 3800 pounds of cocaine that was being stored at a residence in El Paso. The cocaine apparently belonged to an organization that was moving smaller quantities of cocaine across the border in vehicles before being moved in larger quantities to the interior United States.

Most of the transportation groups operating along the Southwest border are connected to the larger, more established drug cartels operating in Mexico including: the Arellano Felix organization, the Juarez Cartel, the Gulf Cartel and the Sinaloa Cartel. These four major groups are responsible for the bulk of the cocaine and marijuana smuggling and are involved in heroin trafficking as well.

There has been a major increase in drug related violence in some areas such as Tijuana, Baja California, Mexico, where the Arellano Felix and Juarez drug cartels are battling for control and influence. This violence has impacted the United States and has made the Southwest border an increasingly volatile and complex area.

Surveillance by US Customs and other agencies along with analysis of operational activity has been able to identify Port of Entry vulnerabilities and weaknesses. This intelligence has been vital to defining the role and viability of deployed technology such as canine operations, x-ray machines and other such non-intrusive technology.

The natural extension of this activity has been a concerted effort on the part of drug trafficking groups to develop specialized compartments in conveyances and other concealment methodologies that are designed to defeat specific Customs techniques and detection equipment.

(Example): Customs has developed intelligence information that indicates traffickers are attempting to design compartments that are impervious to x-ray technology. Even more illustrative, traffickers are identifying specific conveyances that are difficult for Customs to inspect and which pose unique problems from an operational standpoint. Customs also has determined that traffickers along the border are using specific types of trucks called low boy trailers, which due to their structure are difficult to examine, may pose problems for some x-ray machines, and are not easily searched by canine units.

USCS seizures of marijuana are up by over 25% compared to last year at this time. This equates to seizures of almost 1.15 million pounds of marijuana. Most of the organizations that are smuggling cocaine are also involved in marijuana smuggling and tend to use the same conveyances and concealment methods.

Current estimates from human and other intelligence coupled with seizure activity, suggests that the heroin threat along the southwest border will likely increase as more heroin from South America, almost all of which is destined for the United States, becomes available. Mexican transportation groups continue to become more involved in heroin smuggling and possibly refinement of opium supplies of their own.

The development of new and innovative technology has risen to the forefront of our counter drug efforts. We are implementing a Five Year Technology Acquisition Plan for the Southern Tier and have sought to steadily increase the smugglers risk of detection across the Southern Tier from Los Angeles, California, to San Juan, Puerto Rico. Without this across-the-frontier approach, our enforcement efforts in one area will be mitigated by the smugglers' ability to rapidly shift operations to an area where the threat of detection is lower.

Some of our efforts in this field include:

Aggressively pursuing a mix of technologies designed to complement one another and present a layered defense to smuggling attempts. Such attempts are the direct result of increased funding received in Fiscal Year 1999

Technologies we are currently testing and evaluating include a mobile truck x-ray and a mobile gamma ray system. These systems appear to have the same or better capabilities as our fixed-site truck x-rays and have the added benefit of over-the-road mobility, allowing us to use them at several ports. A gamma ray inspection system has been developed for railcars. This system will begin operational evaluation in Laredo, TX in the second quarter of FY2000.

We have ordered 29 relocatable gamma ray inspection systems that allow us to examine trucks of all types, passenger cars, and sea containers. Delivery has been made on two of the systems and the remainder will be fielded over the next 18 months. These systems can be relocated in approximately eight hours from one port to another, maximizing unpredictability of operations.

We are continuing the development of a higher energy x-ray system to examine sea containers as they arrive on our shores, as well as a system to exam large palletized cargo in the air, sea, and land environments.

Eight of the nine truck x-ray systems currently in our inventory, are operational and have proven to be effective law enforcement tools for the interdiction of smuggled drugs. We are also seeing a decrease in the number of inspections per seizure giving us a preliminary indication that the x-rays are becoming the force multipliers we envisioned.

Customs officers have at their disposal a wide range of hand-held tools including optical fiber scopes, laser range finders, and portable contraband detectors (a.k.a. busters) to name a few. Without the consistent funding in Customs base to operate and maintain these technologies (large and small), benefits will be short-lived.

In terms of making our land border operations more efficient at narcotics detection while facilitating the flow of traffic we have implemented several new programs.

We are working with our counterparts in the Immigration and Naturalization Service to install license plate readers (LPRs), automated permit ports (APPs) and complete the upgrade of terminals used by the inspectors to query the Interagency Border Inspection System (IBIS) database.

Southwest Border ports and the major crossings on the Northern Border are scheduled to receive this LPR equipment. By automating the entry of the license plate data, the LPRs allow the inspecting officer to spend more time examining and questioning the vehicle and its occupants.

LPRs have the capability to count the number of vehicles, identify stolen cars, and identify those that are positive IBIS and National Crime Information Center (NCIC) hits.

LPRs will also allow Customs and INS to gather intelligence through data mining in order to enhance both inbound and outbound targeting.

Another benefit we have derived from BCI is the assistance it has provided in helping to meet the workload challenge brought on by NAFTA and the increased trade, which followed. Indicative of these increases is the fact that since the implementation of NAFTA in 1994, truck traffic has increased an average of 10% each year.

Another major issue affecting our efforts along the southwest border is the age and size of our inspection facilities. There are many places where the explosion of trade has strained facilities and made enforcement efforts more difficult. To truly reduce waiting time at some ports, extra staffing would need to be complemented by construction of additional lanes as well as expanded inspection facilities. It is clear that substandard facilities, in addition to hurting employee morale, can be a weak link in our efforts to combat smugglers.

I want to thank the Congress for addressing this important issue in the Treasury-Postal Service-General Government Appropriations Conference Report for Fiscal 2000 which directs that Customs, in consultation with the General Services Administration as well as other border agencies, prepare a port of entry infrastructure assessment. We look forward to reporting on the current condition and infrastructure needs of facilities along both the southwest and northern borders.

At Customs, we face new challenges each day. During a recent meeting of the Interdiction Committee (TIC), ONDCP's General McCaffrey tasked that group with defining the drug smuggling threat in the "arrival zone" and preparing a plan to address that threat. As chairman of the TIC, Commissioner Kelly is leading that group in completing this task. In addition, the General also requested that we initially focus on the SWB. Accordingly, we have drafted a plan to expand BCI participation to include the U.S. Coast Guard at the national level and to require extensive coordination with all of the law enforcement entities along the SWB. These include the Drug Enforcement Administration, the FBI, the SWB HIDTA's and other state and local authorities in each area.

BCI could and perhaps should be expanded to serve as the implementing entity for the entire arrival zone. This will of course be considered by TIC along with other options. Such an expansion would begin with the Gulf/South Florida/Caribbean area. This area continues to be a major threat area for both Cocaine and marijuana smuggling and we will insure that the TIC Arrival Zone Interdiction Plan fully addresses the drug smuggling threat in that area.

In conclusion, I would like to commend the men and women of the Customs Service and the other BCI members for the outstanding job they are doing in their efforts to stem the flow of narcotics into the U.S. from abroad. Their dedication, enthusiasm and continued diligence are serving our country well and I am proud to be part of their effort.

Mr. MICA. Thank you. I think we have heard from everyone now. Mr. De La Vina is available for questions. You did not have an opening statement.

General Anderson, when we were looking at the operation along the border, we were concerned about reports we have had about this organization, turf wars, lack of inter-agency cooperation. How would you describe the situation now, as far as improvement since January of this year, in September?

General ANDERSON. Yes, sir. I would like to address that. Being in JTF-6 and primarily responsible for providing support, we are actually in a very good seat to have an objective view of the cooperation between the agencies, since we touch almost every one of those agencies in executing our missions.

I will tell you, since I last talked to you and today, I have seen a great deal of cooperation through, as an example, the different HDTAs. We have what I call the command presence program, where senior officials from my organization go out and visit the HDTAs. We visit the intelligence analysts where they are. We visit every one of our missions. We talk to those that we are providing support for.

What we are finding is that many of the law enforcement agencies, local, State, and Federal, are all on the same sheet of music for those types of operations. From my point of view, we have very good cooperation between the agencies.

Mr. MICA. Well, the drug czar testified just a short time ago that he still felt that there was not a sufficient point of contact, or someone in charge, to help coordinate these activities. We have the HDTA structure, we have the JTF structure, and 23 agencies in four departments. If you were to restructure or assign someone with full responsibility for coordinating, how would you structure that, with all of these folks in play and agencies and activities, General Anderson?

General ANDERSON. First, I would like to respond that my mission is the same, and that would be to provide the support but not anticipate—

Mr. MICA. Right. But you see it from your own perspective, and it is hard. You work with these folks, I know, but we appreciate some candor in this and some recommendations. Maybe we can help structure this a little bit better.

General ANDERSON. I think the idea of what you can actually gain, what you are really going to be able to gain, I believe it is going to be found in the head of a coordinator first. I do not believe that restructuring, a total restructure will answer the most impending problem that we have right now. I think the cooperative approach will in fact, and is answering the problem right now.

Mr. MICA. The drug czar also seemed to think that the Border Patrol should take a more active part in leading this effort.

Mr. Pearson, or Mr. De La Vina, did you want to comment?

Mr. DE LA VINA. Yes, Mr. Chairman. You know, looking at it from a logical perspective, there are basically three ways to bring drugs in. That is through sea, through land ports, and we are looking at the land port entries. What we are looking at is Customs and INS pretty much have the control of the ports of entry. We have between the ports of entry.

We have the largest personnel patrolling the border, which is the U.S. Border Patrol. We are seizing a tremendous amount of drugs. We are close to 1 million pounds of marijuana. We are participating with the Customs effort at the ports of entry, as well as with our own agency in the POEs with the inspections.

Customs has much control of that. We are trying hard to make this work. We can control, or at least make a huge impact, on narcotics between the POEs. Our cooperation with the ports of entry is beginning to solidify, and that is beginning to work. So we will be participating more. We are looking at more intelligence. We are looking at more liaison. Hopefully, we will have a better control of ports of entry as well as between POEs.

Mr. MICA. Now, before this hearing, the drug czar said he called folks together to prepare for this hearing, or at least to update the drug czar and his staff on what was going on. Prior to that occasion, how often have you been in contact with the drug czar's office, Mr. De La Vina?

Mr. DE LA VINA. We work periodically with him.

Mr. MICA. Do they call a meeting from time to time, a quarterly meeting, monthly meeting, weekly?

Mr. DE LA VINA. At the field level, we do not have as much contact with the ONDCP, but at the national level, we do. Mr. Pearson participates with that, so I will pass that to him.

Mr. MICA. Wait. Is it important that we have increased contact, participation, at the field level? It is nice for these people in Washington to meet, but the actual activity is out there at the border. Is this something that is lacking? Then we have the HIDTA structure and the JTF structure. Are there adequate integration and meetings and coordination? What is lacking? Just direction?

Mr. DE LA VINA. I think, first of all, the HIDTA. That is much our local contacts working at the field levels. At the national level, that works for policy and direction.

Mr. MICA. Everyone participates in the HIDTA?

Mr. DE LA VINA. Yes, correct, sir.

Mr. MICA. Do they have a chair of the HIDTA that is elected among those?

Mr. DE LA VINA. That is correct. Our chief patrol agents participate in that.

Mr. MICA. Is everyone meeting and then going their own way? Is that part of the problem?

Mr. DE LA VINA. I think part of the problem is the lack of coordination with the intelligence that could be forthcoming. Out of the million pounds of marijuana that we have seized, over 20,000 pounds of cocaine, most of the Border Patrol's interdictions are cold interdictions. They are not based on intelligence. We are out on the line.

Mr. MICA. Did you say "cold?"

Mr. DE LA VINA. "Cold."

Mr. MICA. OK.

Mr. DE LA VINA. In other words, no—

Mr. MICA. Not based on intelligence.

Mr. DE LA VINA. That is correct. So that would be extremely helpful for a coordinating element, if we could have a heads-up as to either what is coming through the checkpoints or what is coming

through the line. But at the present time, all of our seizures—the majority of our seizures, and I am talking about close to 98 percent of our seizures—are cold; men and women that are out there in the U.S. Border Patrol are seizing the narcotics without any prior information, just based on location.

Mr. REYES. Mr. Chairman, if you will yield for a moment?

Mr. MICA. Go ahead.

Mr. REYES. I think it would be beneficial for you to understand, if Mr. De La Vina would explain to you, the chain of command. Because although he is the chief of the Border Patrol, stationed at headquarters, he does not have any supervisory oversight over the chiefs.

It would be beneficial, because I think that is where the chairman is trying to understand what your role is.

Mr. DE LA VINA. The current structure of the U.S. Border Patrol works in this manner. We have the Commissioner, we have the Deputy Commissioner, and the Executive Associate Commissioner, would be Mr. Pearson, who I report to. And from that point, we have three regional Directors that are located in the field, in Dallas, in California, and in the eastern region in Burlington, VT.

Our chiefs report up the chain through the regional Directors to Mr. Pearson. My role is much as a second-line supervisor, in a manner of speaking, to the chief patrol agents. structure.

Mr. MICA. That is a little bit—

Mr. REYES. See, that is why, when you are asking him questions, I wanted you to understand the way the system is, in my opinion, broken. That is why we are trying to restructure the INS. Because he does not have supervisory oversight over the chiefs, and you are asking him if there is enough coordination, at ground level if there is enough—well, “coordination” is about the only word I can use.

Mr. MICA. Yes.

Mr. REYES. He does not have the ability to influence that. The regional commissioners and then Mr. Pearson. He is actually on a staff advisory level. So the “Chief of the Border Patrol” is kind of a misnomer.

Mr. MICA. Is that established by agency rule, as opposed to law?

Mr. REYES. Right.

Mr. MICA. It is?

Mr. REYES. It is within the agency.

Mr. MICA. So we can call the agency in and ask for a restructuring on that.

Mr. REYES. Right.

Mr. MICA. OK. It sounds like we have some organizational and structural problems that can be corrected without legislation.

Mr. REYES. Right.

Mr. MICA. OK. Mr. Reyes, did you have questions?

Mr. REYES. Yes. I am interested in getting the perspective from both Mr. Banks and Mr. Pearson. Before I do that, I want to publicly thank Mr. Banks for the support he has given us. You and I were discussing the new post technology for the ports of entry, and he has been very supportive. As a result of his support, I think next March or April we are going to actually field test that new technology, which I think is going to really make a difference.

In addition to that, he has been very helpful in working with the private sector. Because if that technology works, the private sector is very excited about participating in defraying some of the cost, because to them time is money, and money is being spent by the trucks waiting in long lines, waiting for Customs to inspect them. So I did want to thank you for that, Mr. Banks.

Mr. BANKS. Yes, sir.

Mr. REYES. My question is regarding the comments by General McCaffrey in terms of the port coordination. From what I am hearing—correct me if I am wrong—the INS is OK with having Customs take the lead at the ports of entry and the Border Patrol take the lead in between the ports of entry. I would like for each one of you to comment on that.

Mr. BANKS. I do not know if it is quite as clean as that, Congressman. But we really have, under the Border Coordination Initiative, one person that we jointly designate between us as the traffic manager. One person at the port will control those operations.

Now, we each have our own missions to do. But part of this effort with this coordination initiative was to get a seamless process; one face of government to the traveling public and the commercial process, also a single point to work on the law enforcement arena. That is the reason we merged resources and joined forces in our intelligence centers, is to provide tactical intelligence.

Mr. De La Vina is correct; intelligence is probably one of the things that we are missing the most. But we are starting to make some real progress in getting tactical intelligence that is good for the officers on the line. We have done it by merging resources; not trying to take over resources or worry about turf or anything like that, but simply getting together, one place, one unit, to work on a common issue.

So I know that General McCaffrey is interested in having an overall coordinator for the Southwest border. Treasury's position is not necessary, that perhaps that is a redundancy, another level of bureaucracy.

Can there be more done in terms of achieving effective coordination between the agencies? Yes. Are we on track to do that? Yes. Is it perfect? No. We still have a ways to go. But we have HDTAs. We have built this effort at the ports, to have a single port management concept. We have merged intelligence areas. We have border liaison mechanisms.

And adding another coordinating body in the midst of this, if anything, I am not sure if it is going to add what everyone is looking for. I think it is trying to somewhat impose a military approach on a law enforcement issue.

Mr. REYES. So if an individual like Mr. Rodriguez in the previous panel goes to any port of entry, any of the 39 ports of entry, and asks, "Who is in charge?" everyone at that port of entry can tell him?

Mr. BANKS. At least for that traffic issue. Now, frequently, he is going to go for a migrant issue, or an undocumented crossing issue. If he does, for the most part, he is going to go to the head of the Immigration Service at that port.

Mr. REYES. So he will ask, "Who is in charge?"

Mr. BANKS. Yes, sir.

Mr. REYES. And somebody will say, "Well, that depends"?

Mr. BANKS. Yes, sir—No.

Mr. REYES. You see, that is the problem. I have been at the ports of entry with General McCaffrey, where he has asked that question and we have gotten from 6 to 30 different answers, in terms of who has the lead. It depends on what issue.

I think that is what feeds the frustration, and that is what we heard earlier in the previous panel. Because I think that if there had been an arrangement worked out by INS and Customs and Agriculture and whoever else is at the port of entry, we would not continue to hear the same issues that came up in the previous panel, that came up with General McCaffrey, and that, frankly, come up as you visit the border with the delegations.

What we are trying to do is to decide what needs to be done. part of the frustration is the fact that we are being told at times it is being handled, but when we go back out there and ask the same question, we get the same answers. That tells us that it is not any better than it was, you know, 5 years ago.

Let me hear from Mr. Pearson, and then you can comment.

Mr. PEARSON. Well, as you know, Congressman, I spent over 25 years in the Army, so I understand the issue of unity of command and unity of effort. What we are trying to do here is the unity of effort.

To ask somebody to walk in and say, "Who is in charge" is for the most part immaterial. It is, "What is the issue?" In much the same way, somebody walks into a police station and says, "Hey, this happened." Well, "OK, you are in the city police, but it happened in the county, so we need to refer to them." Or it is county, city, or State or Federal.

When somebody comes in and has an issue, it does not matter who they talk to. It gets put in the right channels right away. That is what the port authority, the Border Coordination Initiative, is all about. There is a team that runs that port, and that team focuses all the efforts together. So there is no duplication where it is not necessary, and there are no gaps in it. It really should not matter when somebody walks in and says, "Who is in charge?" It is, "What is the issue? And we will make sure the right people are handling it."

Mr. REYES. Except when somebody like Lieutenant Rodriguez goes to a port of entry and says, "I have a load—or a group or whatever the issue is—coming in. And I need to talk to an individual to get that authorized or OKed." And when they say, "Well, it depends what the issue is," the issue is coming into the port of entry, he needs to get it addressed. If the issue is narcotics, it goes to the Customs, correct?

Mr. PEARSON. That is correct.

Mr. REYES. But then you also have to consider what kind of documents those snitches have, or those informants. So ultimately, what happens—and I am telling you this from what I have heard personally and what at times I have experienced—the issue becomes, "Who has overriding authority?"

If you walk into a McDonald's today, and there is a dispute about an order, and there is a shift supervisor, there is only one manager of that McDonald's. There is only one person that can literally

make the decision, "Yes, we will give it to you free," or "No, we are going to charge you," or "You can take a hike," whatever that is.

The frustration is that there is not one person at a port of entry today that has that kind of authority or that kind of flexibility. I have been with General McCaffrey when he has been told about issues just like that; that in varying degrees there is an issue of enforcement or an issue of inspection, an issue of narcotics. The best scenario is that they have a mini-conference of the three port directors: Agriculture, INS, and Customs. In some cases, there is disagreement, and they have to bump it up their chains of command; which means, ultimately, that it becomes a bureaucratic nightmare.

I mention this so that you understand the frustration that we hear. I have an advantage over colleagues like the chairman, because I worked in that agency, and I understand exactly what Lieutenant Rodriguez means when he says he has to step in and referee from a local level a turf issue or a disagreement on that level.

That is where I think we need to come to some kind of understanding, or some kind of an agreement. That is why I think it is important that we continue to pursue those kinds of things, both at the ports of entry and in between the ports of entry.

I do not know if you have any comments on that. I just wanted to make sure that everybody understood what the issue is.

Mr. BANKS. I think we do have an idea on the issue. Go into any major city in the United States, in their law enforcement, and you have State police, city police, county police, and sheriffs' departments. It is similar type situations on this. Most of the work that gets done is through cooperation.

One of the things that would be of concern from Justice or an Immigration perspective: If there is one person in charge of drugs, then what happens to those INS resources? Will they be committed to drugs, or are they going to be committed to the immigration issues? You do not have somebody trying to dictate that and diverting those resources. Instead, we work it out in a cooperative way.

Many times, we support each other. In other words, if there are not enough resources to go around, we either put in additional resources, or the Immigration does, in order to solve a particular problem. So in some ways, the cooperation approach, this unity of effort, is a solution to a lot of the issues out there.

Because a lot of these turf wars, what they are fighting for is not turf; they are fighting for resources. They are fighting for enough agents to be able to work an investigation. They are fighting for enough people to man those lines and to search those trucks. It is almost a turf battle for resources on a particular issue, more than it is a battle amongst agencies for who controls what. There is so much work out there, none of us can control it.

Mr. REYES. True, but the bottom line is, we still keep hearing——

Mr. BANKS. Yes, sir.

Mr. REYES [continuing]. People like General McCaffrey talking about getting one coordinator, one person, where the buck stops at that desk or at that office and who says either, "Yes, you can come

in, Lieutenant Rodriguez, with your case," or "No, because of 'X,' 'Y,' 'Z.'"

And that, I guess, takes it from a perspective of constructive criticism.

Mr. BANKS. Yes, sir.

Mr. REYES. Can I ask?

Mr. MICA. Go ahead.

Mr. REYES. I want to just switch gears, and speak to General Anderson. Because every year here with the Department of Defense authorization we go through a yearly argument of "Put military on the border." I would like to get your perspective on whether the military has the resources, the inclination, the interest, of replacing or supplementing the Customs and the Border Patrol and DEA and everybody else, by taking a first-line presence on our borders.

General ANDERSON. I think that is a bad idea. We are trained to do other things, quite frankly. There are agencies already in place that can operate within our national laws. You will have to change our laws to allow us to operate to our fullest capacity.

There is enough work around the world in the engagement strategy that ties up those military resources. The way we are organized now, and the capabilities we bring, the idea is those capabilities are temporary in nature. That would allow then the law enforcement agencies to not only use the resource, to learn how to use it, and then possibly budget for it in the outer years. I think we are doing that well. We do not meet all the support requirements that come in; nor have we over our 10 years.

Mr. REYES. Mr. Banks.

Mr. BANKS. Congressman Reyes, one thing I would suggest, however, is the National Guard, working under the auspices of the Governors, is invaluable. You will see a lot of military uniforms out there working in the cargo lots and working at the ports.

Mr. REYES. Right. Well, the issue is not—

Mr. BANKS. Understood.

Mr. REYES. You know, and the issue is not whether the military can support enforcement agencies. Of course they can. The biggest issue is—and we have had proposals here from putting 10,000 soldiers on the border—the frustration of the narcotics that are coming in and the impact that it is having on our streets in the country.

Having worked in that area, I wholeheartedly agree that the National Guard, JTF-6, do an incredible job in giving you the resources to unload trucks. I think you divided it into operations, engineering, and the third one was general support.

Now, all of those things are things that are very beneficial. But my question was directed toward putting actually armed soldiers on our border. I think it is a very bad idea, and I wanted to make sure that I was not speaking just from experience, but from hearing it also from the perspective of somebody that actually—and in this case, General Anderson—who is in charge of JTF-6 and in charge of the military resources. So I appreciate it.

Mr. MICA. Mr. Fiano.

Mr. FIANO. Congressman, may I respond to the issue on the coordination? As far as DEA is concerned, while on the surface a coordinator looks like a practical solution, as an investigative agency

I would have some concerns about having either a Customs port director or a Border Patrol port director make a decision as, Congressman, you brought up, if Lieutenant Rodriguez had a controlled delivery.

I would hope that Lieutenant Rodriguez could go to either the Customs office closest to him, the FBI office, the DEA office, regarding the controlled delivery. That way, it could be coordinated. Because those controlled deliveries and investigations like those usually target one of the larger drug distribution networks within the United States. It may affect, negatively impact, either a foreign investigation that DEA, Customs, the FBI might be working jointly at a special operations division, such as "Operation Impunity." It may affect one of the domestic cases.

I would like to see Lieutenant Rodriguez go to the DEA, the FBI, the Customs Office, tell the Customs agent or an FBI agent, "I have this controlled delivery, it is targeting the Rich Fiano organization," and then it will ultimately get to the people who can coordinate that, who are sitting together, FBI, Customs, and DEA. That way, we can pursue a larger investigation, and not jeopardize anything that anybody is doing.

Mr. REYES. I think under ideal circumstances, that is really the way it works, and it should work. But as you know, sometimes these cases take a life of their own, and there is no way that you can channel it. That is where it becomes critical that there be one person, one contact point, that can make a very critical decision. Because in some cases, a whole case can turn on the ability of getting an individual cleared to go through those ports of entry.

Mr. MICA. Well, unfortunately, we are running short on time here. I am going to ask unanimous consent that we keep the record open for at least 3 weeks. Without objection, so ordered.

I will tell our witnesses we have a substantial number of additional questions we would like answered for the record, which we will be directing to each of the agencies and witnesses here.

We do want to also thank you for your cooperation, whether it is the Joint Task Force, DEA, Customs, INS, the Department of Justice, and Border Patrol. As you can tell, there is a certain degree of frustration of Members of Congress. We want this to work. We need your cooperation. Some things that the agencies can do a better job on in working together, we think we can leave it to you. But we need your cooperation.

We do have an oversight responsibility and function. We will continue to do that. We have poured incredible resources into this effort. I think the Members of Congress are willing to fund and support, but again, the results are important, and cooperation is important. So we solicit your continued efforts and cooperation to make this a success.

There being no further business to come before this subcommittee this afternoon, this meeting is adjourned.

[Whereupon, at 2:12 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503**

October 13, 1999

FOLLOW-UP QUESTIONS

**Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border***

QUESTION. The Subcommittee's last hearing on the Southwest border was in February 1997. Since that time, what would you say is the most significant change in the drug threat along the border and what has your office done to address it?

ANSWER

Mexican trafficking groups, once the subordinate contractors of major Colombian cocaine traffickers, have risen to become equal partners in crime, and in some cases now outstrip their Colombian counterparts. Mexican groups parlayed their access to the expansive southern border of the United States to dominate some 59 percent of all U.S.-bound cocaine shipments during 1998, according to a March 1999 interagency assessment. To sell cocaine acquired from the Colombians, Mexican cartels have developed their own distribution networks in several U.S. cities, according to DEA and U.S. press reports. The most powerful groups are polydrug organizations involved in collection, smuggling, and distribution activities primarily oriented towards permeating the Southwest Border.

The increased threat from more powerful Mexican criminal organizations has reemphasized the increasing need for a central organizing concept for federal interdiction and intelligence efforts along the Southwest Border (SWB). The previous fragmented structure did not ensure coordinated federal, state, and local efforts. Additionally, this fragmented structure among federal agencies has led to useless competition, frequent mission overlap, inconsistent coverage, and needless inefficiency in stopping drugs at the border. The lack of accountability was the key weakness in the overall system.

The Border Coordination Initiative (BCI) has initiated several key steps to improve the combined efforts of the Department of Justice and the Department of Treasury (and their subordinate enforcement agencies) along the Southwest Border. BCI is based on the proven success of the Customs and INS Port Management Model, and calls for specific changes and improvements in port coordination, intelligence, and enforcement along sectors between ports of entry. The initiative has the additional benefit of building upon the efforts of the two agencies (Customs and INS) most clearly responsible for the security of the Southwest Border, without complicating reporting or support relationships. The initial success of BCI reinforces the functional utility of developing an expanded and enhanced coordination mechanism for the efforts of all federal, state, and local law enforcement agencies with duties pertaining to the Southwest Border.

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

To counter the increased threat and improve the overall national effort at the borders and ports of entry, the Director of ONDCP has enlisted the combined efforts of The Interdiction Committee to address the changing dynamics of counterdrug efforts in the Arrival Zone. The *Classified Annex to the National Drug Control Strategy* tasks the TIC to lead an interagency effort to formulate an interagency plan for a coordinated response to the changing illicit drug trafficking threat in the Arrival Zone. In September, the Director met with the members of the TIC to focus their Arrival Zone coordination efforts first and foremost on the Southwest Border, charging them to develop within the next nine months a plan for the coordination of interagency efforts along the Southwest Border to counter the evolving drug trafficking threat.

ONDCP's High Intensity Drug Trafficking Area (HIDTA) program is one mechanism, which is already improving coordination among federal, state, and local law enforcement agencies. HIDTAs are regions with critical drug-trafficking problems that harmfully affect other areas of the United States. There are currently thirty-one HIDTAs, including five partnerships along the Southwest border. HIDTAs assess regional drug threats, design strategies to address the threats, develop integrated initiatives, and provide federal resources to implement these initiatives. HIDTAs strengthen America's drug-control efforts by forging partnerships among local, state, and federal law enforcement agencies.

FOLLOW-UP QUESTIONS

**Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border***

QUESTION. In February 1997, you testified that, "We have an inadequate U.S. federal law enforcement establishment, and we have an inadequate intelligence system focused south on the drug threat." Is that still the case? If so, who or what is to blame for our lack of progress?

ANSWER

The U.S. federal law enforcement establishment and the intelligence system are improving with innovative and effective initiatives. If federal, state and local entities further enhance their coordinated activities, law enforcement, as it pertains to the SWB, will continue to improve. Drug intelligence and information collection, analysis, and dissemination are essential for effective drug control along the SWB. An extensive interagency review of counterdrug intelligence activities was conducted during 1998 under the auspices of the Attorney General, the Director of Central Intelligence, the Director of National Drug Control Policy, and the Secretaries of Defense, State, Transportation, and Treasury. The review suggested how federal, state, and local drug-control efforts could be better supported by drug intelligence and law-enforcement information. An interagency plan has been drafted to implement the recommendations that resulted from this comprehensive review. The plan is currently in interagency coordination and is expected to be approved by the President and transmitted to the Congress this fall.

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION. Do you feel the level of federal resources dedicated to the drug threat along the Southwest border is adequate? How much money did the President request for counter-drug efforts along the Southwest border this year? Was that request more or less than last year?

ANSWER.

Over the next five-year period, ONDCP anticipates increases in "force multiplying" technology and manpower at and between the ports-of-entry along the Southwest Border. The President's FY 2000 request includes \$50 million to continue the deployment of the Border Patrol's remote video surveillance portion of their Integrated Surveillance Information System (ISIS). In addition, the President's FY 2000 request included the following Southwest Border enhancements for the Customs Service:

- \$725 thousand for Land Border Blitzes to implement operations characterized by the rapid, unpublicized deployment of law enforcement officers into targeted ports,
- \$6 million for Operation Integrity to improve the overall integrity of its employees, and
- \$2 million Money Laundering (outbound) Technology to enhance Customs ability to detect undeclared outbound currency through the use of non-intrusive technology.

The FY 1999 Emergency Supplemental provided significant enhancements for U.S. counterdrug agencies along the Southwest Border. For example, Customs received \$134 million dollars for a variety of non-intrusive inspection systems. The FY 2000 request was adjusted to reflect forward funding of counterdrug requirements included in the FY 1999 Emergency Supplemental.

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION

In February 1998, you testified that "adult drug use is declining; and, in deed, cocaine use is plummeting." Is that still the case? Has heroin and methamphetamine replaced some of the cocaine consumption, specifically in the southwest?

ANSWER

Occasional use of cocaine is just a fraction of what it was in the 1980s. In 1997 an estimated 1.5 million Americans were current cocaine users. This figure represents 0.7 percent of the household population aged twelve and older, a slight decline from 1996 and a substantial decline from the 1985 figure of 5.7 million. Simultaneously, heroin and methamphetamine use is increasing, particularly in the Southwest.

The 1997 National Household Survey of Drug Abuse (NHSDA) estimated that 5.3 million Americans have tried methamphetamine in their lifetime, up significantly from the 1994 estimate of 1.8 million. The Arrestee Drug Abuse Monitoring System (ADAM) system reports that methamphetamine use continues to be more common in the western U.S. than in the rest of the nation. In San Diego, roughly 40 percent of both male and female arrestees tested positive for methamphetamine; 52 percent of all those arrested in San Jose for drug possession, test positive for methamphetamine. There has also been a significant increase in the number of methamphetamine laboratory seizures in the West and Southwest, reflecting the widespread proliferation of the manufacture, trafficking and use of the drug in this area of the country.

Since the late 1970s, heroin produced in Mexico has been readily available in the United States, primarily in the West. Although heroin use is relatively low, it has increased significantly since 1993. Because of the increased availability of high-purity heroin, snorting and smoking the drug has become more common and has profoundly altered the pattern of heroin use.

Highlighting the amount of heroin coming into the U.S. across the Southwest border, John J. Kelly, U.S. Attorney for New Mexico, recently arrested 30 people indicted in an investigation of an alleged black-tar heroin pipeline flowing north from Mexico to the Espanola Valley. This arrest represents the aggressiveness of competent U.S. attorneys undertaking federal law enforcement in the Southwest region. However, we are concerned that law enforcement efforts may be undermined in this region by Governor Gary Johnson of New Mexico who supports the legalization of marijuana and heroin.

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION. How would you characterize the cooperation of the Mexican Government along the Southwest border? Can you cite specific examples of any increase in cooperation? Do you foresee any breakthroughs?

ANSWER

The governments of the United States and Mexico both recognize that international drug trafficking and related crimes extend beyond national boundaries and exceed the capacity of any nation to face them in isolation. At their meeting in May 1997, presidents Clinton and Zedillo agreed to produce a common anti-drug strategy to set forth clear bi-national goals and signed a Declaration of Alliance. The U.S. - Mexico High Level Contact Group (HLCG) released a *US-Mexico Bi-National Drug Strategy* in February 1998, which identifies 16 major areas of cooperation. To implement this strategy, we have established working groups on Demand Reduction, Money Laundering, Arms Trafficking, and Chemical Control. To support the strategy, we have identified 147 supporting performance measures of effectiveness (PMEs). Tangible examples of this ongoing cooperation are outlined below:

- ✓ With support from ONDCP and SAMHSA, community anti-drug coalitions along the US/Mexico border are working with colleagues in Mexico to reduce substance abuse. For example, the San Diego County Border Project worked with Tijuana authorities to reduce the incidence of San Diego teens traveling to Tijuana to drink by almost 32 percent.
- ✓ NIDA is developing a bi-national website so that American and Mexican researchers and substance abuse experts can exchange information, post new research, and keep one another updated.
- ✓ A new "substance abuse" working group has been added to the US/Mexico Bi-national Commission (BNC).
- ✓ Last year, our Department of Education sponsored two regional conferences (Yuma, AZ and San Diego) where educators and researchers from the US and Mexico shared information about effective drug and violence prevention programs.
- ✓ The first U.S.-Mexico Demand Reduction Conference was held in El Paso, Texas, March 18-20 1998. A second conference was held June 23-25, 1999 in Tijuana, Mexico. A third conference will be held next April in Tucson Arizona. These conferences bring together prevention and treatment experts and reinforce cross-border demand reduction cooperation. Recommendations from the first conference were translated into PMEs for the bi-national U.S. - Mexico drug control strategy.
- ✓ CSAP has created a new Southwest Border Center for the Advancement of Prevention Technology - to transfer knowledge about effective prevention strategies to states and communities along the border, integrating research from both Mexico and US.

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FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the Drug Threat along the Southwest Border

The Government of Mexico (GOM) has progressed in a dedicated effort of achieving success in combating drugs. Data released from Mexico's Attorney General's Office shows some impressive figures.

- ✓ For 1999 alone, the budget assigned for the campaign against drug trafficking exceeded \$769 million dollars. This represents an increase of \$16 million since last year.
- ✓ GOM has approximately 27,000 public servants that dedicate their full time efforts to eradication and interdiction operations. Regretfully, work in this area comes with a price; to date this year, 16 were wounded and 8 lost their lives facing in counter-drug activity.
- ✓ Legislatively, this year Mexico passed two new sets of regulations against money laundering. These new monitoring and reporting regulations on financial transactions apply to 90% of Mexico's financial markets for compliance.
- ✓ In a speech to the Mexican Senate in September 1999, AG Madrazo testified that GOM has eradicated 19,946 hectares of marijuana and 12,674 hectares of opium poppy (Dec 98-present).
- ✓ GOM conducted Operation Sellamiento (or Operation Seal the border) deploying 16,303 men, 980 vehicles, 42 aircraft, 22 ships and 23 helicopters. Seal the Border was designed to stop Mexican drugs flowing out of the country from Mexico's Southern Border, Gulf of California, and Yucatan.
- ✓ Mexico has extradited 10 people to the US to date in 1999 in compliance with the extradition treaty. Individuals were extradited for money laundering, drug trafficking, and homicide.
- ✓ The USG and GOM have taken steps to strengthen their procedures for safeguarding sensitive information exchanged between governments. In order to create a mechanism/procedure to reduce time in alerting other government of possible threats to security, a secure AG to AG phone line has been installed.

There have been areas of breakthrough, particularly in the area of Maritime Coordination.

The United States Coast Guard has effectively worked with GOM on two important seizures:

- ✓ Jun. 17, 1999 - USCGC CHASE turned over M/V Mazatlan IV to the Mexican authorities 600 miles south of the Gulf of Tehuantepec (Eastern Pacific); the 72-foot fishing vessel was found to be carrying 15,515 lbs of cocaine.
- ✓ Aug 11, 1999 - USCGC MUNRO turned over M/V Xoloescuintle to the Mexican authorities in the Eastern Pacific; the vessel was found to be carrying 21,036 lbs of cocaine.

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION. Can you talk to the issue of corruption within the Mexican Government along the Southwest border?

ANSWER

Corruption is an issue of concern on both sides of the U.S. - Mexico border, and remains a hindrance to full cooperation. The anti-corruption plan announced by Customs Commissioner Raymond W. Kelly this past February underscores how seriously front-line U.S. drug law enforcement agencies view the threat of drug-related corruption and their determination to ensure integrity within their ranks.

The Government of Mexico (GOM) is also taking important steps to address corruption. It has ratified the OAS Anti-Corruption Treaty. Attorney General Madrazo established a Confidence Control Unit in 1997 and is conducting polygraphs of individuals assigned to bi-national units. This year, there are 55 new positions in this Confidence Control Unit. We are supportive of steps being taken to improve vetting processes. Mexico's commitment to addressing corruption is demonstrated by administrative and penal sanctions imposed against public officials involved in criminal misconduct by the Attorney General's Office (PGR). This year (as of August 4th) GOM corruption investigations have resulted in 588 dismissals, 731 reprimands, 604 suspensions, and 83 warnings. The GOM has also taken criminal action against 83 Public Prosecutor agents and 247 Federal Judicial Police Agents. Many employees dismissed on charges of corruption are not only fired, but are also barred from seeking re-employment within the Mexican government. The serious problem of pervasive corruption in Mexico will remain a key issue for continued cooperation.

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION. How would you characterize the coordination along the Southwest border among the federal agencies and with the state and local officials?

ANSWER

While the individual policy formulation, resource allocation and operational activities of all federal drug-control program agencies support the goals and objectives of the *National Drug Control Strategy*, there is no central organizing concept for all federal interdiction and intelligence efforts along the SWB. In ONDCP's view, there are insufficient coordination mechanisms for translating strategic objectives into integrated, prioritized operational and investigative activities along this vulnerable border.

Presently, there are five principal departments concerned with drug control-related issues in the Southwest border region: Treasury (drug interdiction, anti-money laundering and anti-firearms trafficking); Justice (drug and immigration enforcement, prosecutions); Transportation (drug interdiction); State (counter-drug cooperation with Mexico); and Defense (counter-drug support).

Drug intelligence is currently provided by individual departments, as well as by organizations such as Director of Central Intelligence's Crime and Narcotics Committee (CNC), the El Paso Intelligence Center (EPIC) and National Drug Intelligence Center (NDIC). In addition, ONDCP oversees the Southwest Border High Intensity Drug Trafficking Area (HIDTA) that encompasses the entire 2,000-mile border one to two counties deep. The SWB HIDTA is divided into five regional counter-drug partnerships of federal, state and local enforcement agencies.

The Border Coordination Initiative (BCI) has achieved some initial success in implementing several important steps to improve the combined efforts of the Departments of Justice and Treasury along the Southwest Border, particularly concerning the activities of Customs and INS. However, there is a need for better drug-control coordination. Twenty-three separate federal agencies and scores of state and local governments are involved in drug control efforts along the SWB. No individual or agency has overall coordination responsibility for drug control operations along the length of the border or even within individual POEs. Regional offices of different federal agencies do not always have matching areas of responsibility. Additionally, federal organizational actions do not account for state and local jurisdictions.

We must work drug control across federal, state and local lines. Our Constitution and our legal traditions ensure a doctrine of federalism. Both state and local officials have a strong voice in how drug control efforts will be applied within their boundaries. Federal agencies must respect state and local laws and procedures; these agencies can also act as a catalyst to promote a united effort among state and local efforts.

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FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION. What is ONDCP's inventory of technologies that are particularly effective at combating drug smuggling along the Southwest border (for example mobile x-ray machines)? Is there a need for more?

ANSWER

Technologies are being developed for improved intelligence to disrupt drug trafficking organizations and for advanced non-intrusive inspection systems to interdict shipments before they enter the United States. ONDCP's Counter-Drug Technology Assessment Center (CTAC) has established a Counterdrug Technology Transfer Program (TTP) to demonstrate the impact and benefit of advanced systems developed for the operational inventories of the Federal law enforcement agencies (LEAs) to state and local law enforcement organizations.

Based on the level of requests received for technologies so far, we project that the program will receive 1,000 requests for equipment from 350 agencies over the next year. The experience gained during the previous 18 months in working directly with state and local LEAs in the TTP has confirmed that most agencies, regardless of size, can more effectively address their challenges by deploying the counterdrug technologies and training offered by this program. To that end, there continues to be a deficit in the technological capabilities of LEAs nationwide, but especially along the Southwest border. To address the deficit, an expansion and continuation of the program would place much-needed technology in the hands of front-line officers, investigators, and analysts in the LEAs for use along the Southwest border.

FOLLOW-UP QUESTIONS
Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

TABLE 1 - TRANSFERS BY CTAC'S TECHNOLOGY TRANSFER PROGRAM

Technology	Total	SW Border
Tactical Tools to Support the Officer		
Drugwipes - Surface residue drug test kit	169	67
Body Worn - Miniaturized covert audio device	81	21
Mini-Buster/ Mini-Buster Probes - Portable contraband detection kit/ fiber optic probes associated with the portable contraband detection kit	153	64
Small Look - Miniaturized video surveillance system	55	14
Thermal Imager (Handheld, Lenses, and Vehicle) - Handheld infrared imaging surveillance system; lenses associated with the infrared imaging surveillance system; vehicle mounted infrared imaging surveillance system	320	76
Vapor Tracer - Drug detection and identification instrument	50	0
Complex Case Building Systems		
AG-SMS - Air and/or ground covert vehicle tracking system	19	9
Borderline - Telephone intercept monitoring and recording system for Title III investigation	10	2
Data Locator - Client/server package that provides secure sharing of law enforcement data and intelligence	1	0
GLADYS - Software used to analyze phone/cellular billing records	0	0
Money Laundering Software - Software used to detect suspicious financial transactions	8	2
Sigacutter - Covert vehicle tracking system with mapping display	14	4
TACSCAN - Voice identification system	5	0
Video Stabilization - Video image enhancement system	6	2
Wireless Interoperability - Interagency radio communications system	1	1
Total	892	262

Since CTAC was established, Department of Defense and U.S. Customs Service have been working with CTAC to develop and test advanced non-intrusive inspection (NII) technologies to rapidly inspect vehicles and containers for drugs at the port of entry with a special emphasis on the Southwest border. These systems employ x-ray, gamma-ray and neutron interrogation technologies. Current Southwest border deployments of large scale NII systems are:

- ✓ Eight fixed truck x-rays at Otay Mesa (CA), Calexico (CA), Pharr (TX), El Paso (TX), Ysleta (TX), Nogales (TX), Laredo (TX) and Brownsville (TX).
- ✓ Two mobile truck x-rays at Laredo (TX) and Brownsville (TX).
- ✓ One fixed gamma ray inspection system (VACIS) at Santa Teresa (NM).

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

Customs has developed a five-year technology plan for the entire Southern Tier.
 The plan includes the following systems along the Southwest border:

State	Mobile Truck X-ray	Rail Gamma (VACIS)	Vehicle Gamma (VACIS)	High Energy Truck X-Ray	High Energy Heavy Pallet X- ray	Total
CA	7	2	6	2	4	21
AZ	7	1	3	1	1	13
NM	2		1			3
TX	18	5	12	6	10	51
Total	34	8	22	9	15	88

ONDCP endorses Customs' five year plan. Additional deployments must continue to meet the increase in traffic through each of the ports of entry along the Southwest border projected over the next five years.

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION. Is there a particular area long the Southwest border that, in your opinion, has not received adequate resources?

ANSWER.

This question is currently being considered as part of The Interdiction Committee's efforts to develop an interagency plan for counterdrug activities along the Southwest Border that is responsive to the drug threat, consistent with the guidance provided by the Director of ONDCP in the *Classified Annex* to the *National Drug Control Strategy*.

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION. Who is ultimately responsible for the overall effort along the Southwest border? Specifically, who is tasked with trying to anticipate where the smugglers will move next with each successful operation along the border?

ANSWER.

There is not one entity responsible for the coordination of overall drug-control efforts along the SWB – the primary factor contributing to the lack of accountability and coordination of drug control efforts along the SWB.

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION. Is there a problem with intelligence sharing among the various federal, state and local law enforcement agencies?

ANSWER.

The sharing of drug intelligence and information among federal, state, and local law enforcement agencies requires improvement. In addition, the national Intelligence Community and the law enforcement communities need a system for improved information sharing. Both Congress and the Administration recognized these shortcomings. Consequently, an extensive interagency review by the White House Task Force on the Coordination of Counterdrug Intelligence Centers and Activities concluded in 1998 that there is no all-encompassing national counterdrug intelligence system. Instead, there are two loosely associated systems, one each for the foreign intelligence community and the law enforcement community. The foreign intelligence community has a centralized intelligence-sharing system and interagency information-sharing structure; the law enforcement community does not. Within the law enforcement community, each agency has developed its own information sharing and communication system that serves agency-specific needs. Terminology, practices, techniques, and expectations vary widely within the law enforcement agencies and between the law enforcement and intelligence communities.

Counterdrug information and intelligence sharing—both among law enforcement agencies and between law enforcement and foreign intelligence components—has improved significantly over the past several years. There are numerous exemplary interagency programs, joint operational and analytic endeavors, and critical data-sharing mechanisms in place that would have seemed unattainable to most practitioners a decade ago. However, despite laudable achievements, systematic coordination is incomplete resulting in gaps in analytic coverage, as well as incomplete and inaccurate analysis and unnecessary duplication; single-agency perceptions of critical drug threats or issues; and occasional mistrust and confusion in the counterdrug community. At the operational level, some investigators and inspectors still complain of a shortage of actionable intelligence; they believe that they receive insufficient guidance and intelligence support from the national level, and they resort to “workarounds” to current processes to satisfy their intelligence requirements.

The General Counterdrug Intelligence Plan, which resulted from the White House Task Force review, is now in interagency coordination and should be ready for presidential approval and transmittal to Congress this fall. The goal is to provide a blueprint for a dramatically improved counterdrug intelligence system to support federal, state, and local drug law enforcement efforts. The application of this system to the drug challenges at the SWB will be vitally important.

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FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION. If a coordinating entity were to be designated, how would that model fit the important need for cooperation with state and local officials?

ANSWER.

The two principal border control and management agencies, Customs (Treasury) and INS (Justice) should undoubtedly remain the principal federal enforcement agencies along the SWB. Any effort to better coordinate Federal drug-control efforts along the Southwest Border must include a shift from a manpower/physical inspection approach to one that is intelligence-driven and that employs emerging technologies to conduct non-intrusive searches. Above all, we need integrated, mutually supporting efforts that create a whole greater than the sum of its parts. This coordinating entity would work with state and local officials (i.e. local law enforcement) in ensuring coordination among different POEs.

FOLLOW-UP QUESTIONS

Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border*

QUESTION. In a 1998 statement you stated that "there is often an inadequate link between operations and intelligence analysis of the dynamic threats we face." What has been done to alleviate the problem?

ANSWER.

There is a need for a system to coordinate federal, state, and local law enforcement efforts against the perceived threats we face. Available information about the drug threat is fragmented and incomplete. It is difficult to obtain a succinct, up-to-date assessment of the drug threat either along the entire border or in any specific state or sector. Similarly, there is no readily available integrated overview of Federal efforts to address the drug threat. The end result is that there is often no direct link between current operations and an intelligence analysis of the dynamic threats we face. We must construct a system that anticipates trends, projects actions by drug-trafficking organizations, and that coordinates an appropriate interagency response. This is true not only at the tactical level (i.e., within individual POEs) but also across the entire border.

FOLLOW-UP QUESTIONS

**Subcommittee on Criminal Justice, Drug Policy and Human Resources
September 24, 1999 hearing on the *Drug Threat along the Southwest Border***

QUESTION. What can Congress do to better help you?

ANSWER.

Congress' continued commitment to bipartisan support of the *National Drug Control Strategy's* important fourth goal - *Shield America's air, land, and sea frontiers from the drug threat* - is essential to our efforts to achieve a better coordinated federal drug-control presence along the vulnerable Southwest border. Indeed, the flow of drugs across the Southwest Border has not been significantly curtailed despite tactical success that has caused changes in smuggling routes and techniques. Drug trafficking and violence remain persistent and there are growing threats to border region residents. The obstacles our law enforcement officials face in stemming these threats are significant, but they are not insurmountable. Our substantial investments along the Southwest Border are beginning to pay off. Future success is dependent on adjusting existing drug-control organizations to better support ongoing federal, state, and local law enforcement efforts. Congressional support of our efforts to harness emerging technology will help us make a difference.



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 9, 1999

The Honorable John Mica
Chairman
Subcommittee on Criminal Justice, Drug Policy, and
Human Resources
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are the responses you requested from the Immigration and Naturalization Service with respect to the Subcommittee's hearing on September 24, 1999, regarding "Examining the Threat Along the Southwest Border."

We hope that this information is useful to you. If we may be of additional assistance in connection with this or any other matter, we trust that you will not hesitate to call upon us.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Raben".

Robert Raben
Assistant Attorney General

Enclosure

cc: The Honorable Patsy T. Mink
Ranking Minority Member

**INS Follow-up Questions from Chairman Mica
Relating to the
Subcommittee on Criminal Justice, Drug Policy and Human Resources
Hearing on September 24 on
Examining the Threat Along the Southwest Border**

Question 1: The Subcommittee's last hearing on the Southwest border was in February 1997. Since that time, what would you say is the most significant change in the drug threat along the border and what has your office done to address it?

Answer: From the INS' perspective, the drug trade remains a powerful threat. Organizations that specialize in understanding the dynamics of the flow of drugs state that the demand for drugs is high, that production of drugs is high, and that illegal traffic in drugs continues. Since the Committee's last hearing on the matter, INS has been able to close off ever-greater expanses of the Southwest Border to smugglers of aliens and drugs. From February 15, 1997, through September 25th of this year, INS has added 2,195 Border Patrol agents and millions of dollars of interdiction technology to the southwest border. Entry between the ports of entry on the Southwest border has become more difficult for smugglers and many have been forced to areas where law enforcement has the advantage: the ports of entry. INS will continue to deploy resources to the Southwest border, increasing the risk for smugglers with every new agent, and every new piece of equipment added.

Question 2: How would you characterize the cooperation of the Mexican Government along the Southwest border? Can you cite specific examples of any increase in cooperation? Do you foresee any breakthroughs?

Answer: Under the umbrella of the U.S.-Mexico Binational Commission, cooperation between the United States and Mexico on immigration-related issues has grown significantly since 1995. Specifically, the United States and Mexico have developed arrangements to ensure the safe and orderly repatriations of Mexican migrants along the U.S.-Mexico Border. Both governments created the "Border Safety Initiative" to reduce the incidents of death of migrants attempting to cross the border. Concrete examples of cooperation have resulted from the frank and open dialogue that exists between the two countries. One example of this is the new, automated lane for legal crossings and commerce for the communities of El Paso and Ciudad Juarez. Both the United States and Mexico are working together to ensure consular access and speed the return process by exploring methods to technologically link migrants in INS custody with Mexican consulates throughout the United States. Current efforts are underway to share information on criminal organizations engaged in smuggling and trafficking in women and children. In addition, the Federal Preventive Police (FPP) are cooperating with the

INS. Recent examples include shared information about several undocumented Chinese nationals traveling toward the U.S.-Mexico border. The group was followed and pictures were taken of the aliens and smuggler. INS was kept aware of the group's location and was provided with the photographs. In Juarez, local authorities pursued a smuggling lead on Lydia Cabrera, a Mexican national and major alien smuggler who attempted to smuggle a load of 117 aliens that was intercepted by Border Patrol. Mexican authorities subsequently arrested and prosecuted Cabrera, who was recently sentenced to six years in prison for alien smuggling. Authorities have also shared information with INS Juarez about several fraud cases and have pursued suspected targets, including conducting undercover document buys.

Question 3: How would you characterize the coordination along the Southwest border among the federal agencies and with the state and local officials?

Answer: Since its inception on September 29, 1998, the Border Coordination Initiative (BCI) has proven to be the most effective mechanism for coordinating the law enforcement activities of agencies operating along the Southwest Border of the United States.

BCI's goals of improved enforcement and cooperation, in order to produce a seamless process at and between Ports of Entry, are being achieved from Imperial Beach, California to Brownsville, Texas. By endeavoring to understand each other's mission, the BCI participants are announcing joint successes, versus individual agency credit. They are openly and honestly communicating with each other and including stakeholders in appropriate areas. Community and business leaders are part of the coordination process and their input has proven invaluable as demonstrated by the reduced wait times at the border, while narcotics seizures have increased.

The first year of BCI has primarily focused on the federal agencies working all along the Southwest Border. The Departments of the Treasury and Justice (the Customs Service and INS, respectively) represent the overwhelming majority of Federal personnel in that region and as such have the largest number of officers engaged in BCI activities on a day-to-day basis. Others, including the Department of Agriculture, also are now full-time participants and contributors to the enforcement process. The Department of the Interior has added value to this coordination effort through the activities of the Fish and Wildlife Service. State and local departments are involved on an ad hoc basis at the present time; however, their role will be more clearly defined as BCI moves into Phase II.

During the second year of this initiative, all BCI field areas are being asked to formulate new action plans based on their individual year end assessments and to specifically include state and local enforcement in their proposals.

The BCI is the future of border law enforcement. Through cooperation and coordination, the multitude of skills now available from all of our federal, state and local law enforcement authorities are being used to strike back against the drug threat that poses such a danger to our citizens.

Question 4: What is INS' inventory of technologies that are particularly effective at combating drug smuggling along the Southwest border (for example, mobile X-ray machines)? Is there a need for more?

Answer: The technologies that make Border Patrol agents more effective at interdicting illegal entrants, including drug smugglers, are remote video surveillance cameras, modern helicopters equipped with night vision devices, and the larger night vision systems designed to be mounted on vehicles. INS is acquiring these items to augment the new Border Patrol agents and Immigration Inspectors added since 1994. Automation and technology will allow Inspectors the ability to expend more effort and resources on high risk traffic. Planned facilitation initiatives such as the Secure Electronic Network for the Travelers Rapid Inspection (SENTRI) will segregate the traffic between low and high risk, facilitate the inspection of low risk traffic, and allow intensified inspection of high risk applicants. License Plate Reader (LPR) equipment will relieve the inspector of license plate data entry into the lookout system at land borders, thereby allowing the inspector to concentrate on the inspection and not the data entry. Through traffic sorting and intensified inspection, more fraudulent applicants, with increasingly sophisticated fraud schemes, will be detected.

Question 5: Is there a particular area along the Southwest border that in your opinion has not received adequate resources?

Answer: The INS strategy to control the border is multi-year and multi-phase, in order to accommodate shifts in illegal entry flow and the multi-year budget time frame needed to acquire the substantial amount of resources needed to produce even, acceptable levels of control at and between the ports of entry. Although the INS has made great progress in implementing the national border control strategy, the strategy is not yet complete. At this time there are areas along the Southwest border that have not received adequate resources. However, resource requirements for these areas are addressed in subsequent phases of the INS strategic border control plan. The full benefits of the implementation of the Border Patrol's strategy will only be realized if a complementary investment is made in Port-of-Entry operations. Without this, illegal traffic that is deterred between the ports will divert to the port facilities, and substantial numbers will remain undetected.

Question 6: Who is ultimately responsible for the overall effort along the Southwest border? Specifically, who is tasked with trying to anticipate where the smugglers will move next with each successful operation along the border?

Answer: For INS, our intelligence division has the lead in tracking changes in smuggling locations and changes in smuggling strategies. Alien and drug smuggling intelligence is received from a wide variety of field sources, as well as other agencies. This information is then analyzed and trends and trafficking patterns are developed. The information is passed to front line field components for action. This information is also shared with other agencies.

Question 7: Is there a problem with Intelligence sharing among the various federal, state and local law enforcement agencies?

Answer: Customs and INS have made significant progress in increasing headquarters-to-headquarters exchanges of intelligence information. In addition, full time and collateral participation by INS personnel in Intelligence Collection Analysis Teams (ICAT) along the Southwest border has occurred, which has facilitated a major exchange of seizure data and other information.

However, additional work needs to be done to increase the flow of information between INS and Customs at the field level. Expanding tactical intelligence reporting on INS issues at the border, such as alien smuggling, and document fraud, needs to be improved upon. Likewise, the tactical intelligence reporting on drug seizures and smuggling can also be improved. This will greatly enhance the amount of information becoming known to both agencies and should produce tangible results, such as increased seizures and disruption of smuggling organizations.

The Border Coordination Initiative (BCI) intelligence initiative has addressed these issues during the last year. Most of the problems that were encountered dealt with technology issues in the areas of connectivity and communication.

Since BCI's rollout conference on September 29, 1998, the direction and support provided by the Departments of the Treasury and Justice have ignited a spirit of true cooperation among the Southwest Border Law Enforcement agencies. Enforcement operations, which traditionally have been treated as proprietary and private actions by the initiating body, are now developed and carried out with input from all stakeholders. Officers on our frontlines are aware of their counterparts' missions and seek to support those goals, as well as their own.

Communication has never been more open and honest between our border law enforcement agencies. Such clear exchanges have fostered a culture change in that community and, common goals are being established, rather than the traditional single agency seeking to take all credit. "Turf wars" are becoming a thing of the past, as employee morale and trust rise each day. To the credit of the BCI national teams at INS and the U.S. Customs Service, all were quick to get involved and lessen the growing

pains associated with this process.

Most items that were “budget neutral” were delivered on schedule, which promoted and encouraged a cooperative venture between the two agencies, where perhaps, none existed in the past. Employees of the BCI member agencies who had worked together and shared resources were the first to adapt to the strategy. BCI members expect to improve coordination during the current fiscal year.

The twenty-four ports and the nine Border Patrol sectors involved in the BCI initiative established a foundation of intelligence sharing and partnership where we expect to further build upon as time goes on. Ports where the ICAT was present made the greatest strides in establishing a seamless process. This proved to be very successful in the collection and dissemination of narcotics information and, to a lesser extent, alien information. Lateral sharing of intelligence was achieved with a degree of success. Several ICATs provided training to non-ICAT ports in their areas, and several non-ICAT ports established a link to the closest ICAT servicing their area. First year results are encouraging and show that the agencies involved in the effort have made significant improvements and that this approach is working. BCI will embark on a closer look at each of the intelligence areas in the next year, with efforts directed toward process improvement.

Coordination and liaison with a number of law enforcement entities must be formalized and carried out. These agencies include the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), High Intensity Drug Trafficking Areas (HIDTA), Joint Task Force 6 (JTF-6), the El Paso Intelligence Center (EPIC), state and local law enforcement entities, and other law enforcement organizations along the Southwest Border (SWB).

Question 8: Should one person or agency be responsible and take the lead in coordinating all operations along the Southwest Border (SWB)?

Answer: The designation of a single person or agency to coordinate all law enforcement operations along the SWB necessitates the formation of a new command structure, which would cross federal, state and local agency lines. There is no mechanism available to accomplish such a sweeping reallocation of resources, nor is there any support for such a plan by those agencies presently involved in the SWB enforcement effort.

The BCI has established a successful framework for accomplishing the stated goal of cooperation and improved enforcement. This solution is a coordination process driven by need and energized by common goals. Through a mutual understanding of other’s missions, agencies are able to utilize both their own resources and skills, as well as those special talents or expertise available from other participants. The key to success in this

venture is acceptance of a set of guiding principles developed, tested, and now shared by those agencies actively involved with BCI.

These include:

- Improved enforcement over agency self interest
- Full and open communication
- Being inclusive of all agencies and community representatives when they can make a difference
- Being decisive and empowered to make decisions
- Measuring success
- Working within existing resources.

The “culture change” within the SWB law enforcement community necessary to make this work is underway and spreading. There has been widespread “buy-in” to this program by all those taking part in BCI. Expenditures have been minimal, while joint success stories are reported in the hundreds, including community and business leader support.

The expansion of BCI to include other federal, state and local entities is planned for the current fiscal year. It is anticipated that the continued growth of the initiative will become the solution to a coordinated response to narcotics smuggling and other crime along the SWB.

Question 9: If a coordinating entity were to be designated, how would that model fit the important need for cooperation with state and local officials?

Answer: Phase II of the BCI answers the call for involving state and local law enforcement officials with the fight against crime along our SWB. It does so by tasking all 24 BCI field locations with establishing formal cooperative relationships with those agencies at each site as part of their 2000 action plans. These agreements will include plans to conduct joint training sessions where information will be provided as to what each federal agency’s mission is, as well as who in the local and state departments handles which geographic area and violation.

The foundation laid by these actions will:

- Provide appropriate Points of Contact for the state and local law enforcement

authorities seeking guidance and or assistance with their operations.

- Ensure coordination of efforts as special operations initiated along the SWB move into the surrounding communities.
- Provide for full and open communication amongst the BCI participants to enhance community and officer safety.
- Provide information and a means to facilitate the application for and distribution of shared, forfeited assets.

The BCI's value and effectiveness have been proven during its first year. Phase II, which includes the state and local agencies on a formal basis, will no doubt be as successful.

Question 10. According to a July 1999 US News & World Report article there have been some flaws with the new Border Patrol computer-tracking system, IDENT. Specifically, IDENT uses a two fingerprint identification system versus other federal law enforcement agencies use of a ten-fingerprint identification system and that the IDENT system is already at capacity. Are these flaws indeed present and if they are what is being done to correct these flaws?

Answer: One of the important misunderstandings about the IDENT system that should be clarified is the mistaken assertion that the system is plagued with design flaws. IDENT can be further enhanced to do more, but it is doing what it was designed to do. IDENT is an automated, fingerprint-based, rapid identification tool that is a major component of a number of INS systems, such as Enforce, the case-management system used by the Border Patrol. IDENT was designed and continues to provide response times of two minutes or less. Using a personal computer workstation equipped with a digital camera and fingerprint scanner, the agent or officer may query the database for an intercepted or apprehended alien by scanning the right and left index fingers. The agent or officer will also take a digital photograph and enter some basic text data for recording the apprehension. If there is no existing record on the individual in IDENT, the agent or officer can select to enroll the new record in the database. If a record exists, the count of encounters with INS is updated and the new information, including aliases, is linked using the fingerprint information. While there are similarities between IDENT and other electronic fingerprint-based systems, IDENT was funded, designed and deployed to meet INS' unique operational requirements.

INS began widespread deployment of IDENT across the Southwest border in 1997 using funds specifically designated by Congress for this purpose. This capability is now employed at over 400 INS sites, including Ports-of-Entry (POEs) and Border Patrol stations along both borders, as well as some international airports, land border POEs,

asylum and district offices. The Border Patrol remains the only Federal law enforcement agency that utilizes a fully operational quick response biometrics-based identification tool.

IDENT's workload has not yet exceeded IDENT's capacity. More workstations are added to the IDENT system each year, more records are being entered and the database is searched more and more often. IDENT's recidivist database capacity is managed by archiving old records to maintain rapid query response time. Therefore, the capacity of IDENT is extended in anticipation of this workload by adding more equipment and archiving old records.

Inspections at POEs use IDENT in the Secondary Inspections process to determine if an alien (possibly using a different name) may have been previously removed or deported from the United States.

The INS and FBI have begun developing a plan to integrate the INS IDENT system into the FBI Integrated Automated Information System (IAFIS). Contingent upon resources, the integration will be phased in, with fully operational capability scheduled during FY 2004. At that point, INS will have full access to the FBI's Criminal Master File, and other law enforcement agencies will have access to INS enforcement fingerprint records.

Question 11. It is estimated that the Border Patrol agents make about 1.5 million apprehensions a year along the Southwest border. What percentage of those arrests are repeat offenders?

Answer: INS does not have this data for the entire Southwest border. INS is working to obtain more complete reporting for all Southwest border sectors. More complete information is available from the San Diego Sector. For the first 11 months of FY 1999, the reaprehension rate for persons first apprehended in San Diego Sector was 39 percent. (This is the number of repeat apprehensions divided by the total number of apprehensions.)

Question 12: It is estimated that unlike other federal agencies the INS is still largely a paper driven agency, what is being done to modernize records and other data?

Answer: INS has developed the Records and Processes Improvement and Design (RAPID) initiative. This effort encompasses INS' transition to a centralized records environment. Files are being collected from INS field offices and consolidated at a single location, the National Records Center (NRC) at Lee's Summit, Missouri, where certain value-added functions will be performed. These functions include consolidating multiple files, ascertaining and identifying lost files, and reconciling data in the Central Index System (CIS) to information contained in the physical file.

Culminating three years of effort, the NRC is currently under construction in Lee's Summit, Missouri. The NRC will centralize approximately 25 million files at one strategic geographical location. Once the files are centralized, files will be provided to internal customers in a timely and predictable manner. The NRC will realize significant cost savings for records storage, and improve business operations by effecting a transition from paper to electronic data.

Another example of modernizing records management includes the Freedom of Information/Privacy Act Program Information Processing System (FIPS). FIPS was developed to replace manual Freedom of Information Act (FOIA) case creation, which usually takes 2-3 days with a computer-based information processing system. FIPS has reduced FOIA case creation to one day.

Another innovative approach to records management under development and pilot deployment is the National File Tracking System (NFTS), which will increase the INS' ability to track alien and receipt files. NFTS will employ a centralized database, which will provide crucial customer benefits. NFTS will be installed initially at the NRC. Nationwide deployment will take place in FY 2000.

Question 13: What additional resources/equipment can be utilized to help the Border Patrol properly vet the identities of the people that they detain.

Answer: INS and the FBI are currently developing plans to integrate IDENT into FBI fingerprint databases. This planning effort will produce a list of actions, resources, and equipment needed to do rapid record checks of persons apprehended by the INS against other agency fingerprint databases. Contingent upon resources, this integration is scheduled to be fully operational during FY 2004.

Question 14: According to an INS statement by Russ Bergeron, "Border Patrol agents do not routinely check NCIC data because NCIC data pulls up records by name and illegal immigrants like Ramirez (Rafael Resendez-Ramirez) often use aliases." What is being done to address this problem?

Answer: The National Criminal Information Center (NCIC) contains information on individuals who have been convicted of serious crimes in the United States. Border Patrol agents check NCIC data when they have some suspicion that the individual they have in custody may have a criminal record that is in that database. Individual records in NCIC are based on name, date of birth and other biographical information that illegal aliens are likely to falsify. If a Border Patrol agent's original suspicions are reinforced with an NCIC record that has a strong possibility of belonging to the individual being questioned, and the record details a serious crime, the agent can take follow-on action. Frequently, the agent will contact any agency that has issued a warrant of arrest, or, if the

person meets the definition of a "criminal alien" under the immigration law, order the person detained in INS custody.

The INS is working on many fronts to improve its ability to identify criminals apprehended by the INS. More aliens are being positively identified as more workstations are added to INS' IDENT system. FBI and INS are currently developing plans to integrate IDENT into FBI fingerprint databases. INS has contracted with other national fingerprint databases to access their records.

Question 15: Has the increased number of Border Patrol agents had any effect on the percentage of narcotics that is smuggled in the U.S.?

Answer: Yes, progress is being made in preventing the flow of narcotics into the United States by smugglers. This progress is visible in areas where border enforcement resources have been concentrated, such as San Diego and El Paso. In these areas, the flow of drugs between ports of entry has been significantly reduced.

Question 16:

Scenario: An individual enters the US illegally and commits a felony in Arizona. The illegal immigrant is charged by the county of jurisdiction with a state crime and is released on bail —usually to the INS.

Question: What are the INS standards operating procedures once they receive custody of the individual?

Answer: INS may take custody of an alien who is an aggravated felon and process the individual for repatriation, as appropriate.

Question: Can the INS detain the individual? If so, under what circumstances and for how long? If not, what is the specific legal authority, which precludes INS officials from doing so?

Answer: INS has authority to detain an alien pending a decision on whether the alien is to be removed from the United States. INS does not have authority to detain an alien who has been released from State or local custody, and for whom no warrant is outstanding, in order to ensure his or her availability for a criminal proceeding as opposed to the alien's removal from the United States. A custody determination is made once a removable alien's processing is completed. The custody determination can be: release under bond conditions (minimum of \$1,500) or detention without bond. The length of detention depends upon the length of time it takes to complete removal proceedings.



THE COMMISSIONER OF CUSTOMS

WASHINGTON, D.C.

November 8, 1999

NOV 10 1999

The Honorable John L. Mica
Chairman
Subcommittee on Criminal Justice, Drug Policy,
And Human Resources
Committee on Government reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of September 29, 1999, in which you provided additional questions from Members of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources as a follow up to the September 24, 1999, hearing on "Examining the Drug Threat Along the Southwest Border." Responses to those questions are enclosed.

As always, I look forward to working with you and the other Members of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources. If you have any future questions, please do not hesitate to contact me.

Yours truly,

Raymond W. Kelly
Commissioner

Enclosure

QUESTION #1:

The Subcommittee's last hearing on the Southwest Border was in February 1997. Since that time, what would you say is the most significant change in the drug threat along the border and what has your office done to address it?

ANSWER:

The Southwest Border continues to pose one of the most significant and challenging threats to U.S. Customs in that a majority of cocaine and marijuana arriving in the U.S. is being smuggled across the border. Mexico, due its role as a drug source and transshipment country, continues to pose the greatest single threat to U.S. Customs. All source reporting and seizure data continues to document the movement of large amounts of cocaine from South America to Mexico. From staging areas in Northern Mexico, current trends continue to document Mexican traffickers utilizing a wide variety of conveyances and concealment methods to smuggle drugs across the entire span of the SWB.

Recent information indicates that there have been a number of significant developments in the last year including but not limited to: an explosion in the diversity of conveyances and concealment methods being used; an increase in countersurveillance and spotter activity on the part of trafficking groups at and between the ports of entry; increased tension and conflict between many of the trafficking groups; and a significant increase in heroin activity and designer drugs such as ecstasy.

The diversity of the threat combined with the ever-increasing windows of opportunity emphasizes the dynamic and ever fluctuating environment that Customs faces along the border.

Customs has added personnel resources to the areas of interdiction, intelligence investigations and has developed and implemented new non-intrusive inspection (NII) systems to detect instances of drug smuggling. Customs realizes that research and development of NII technology is vital to counter the high degree of sophistication trafficker's employ in smuggling drugs across our ports-of-entry (POE). In the area of intelligence, Customs continues to implement special intelligence collection operations along the entire SWB to collect actionable intelligence on Mexican organizations involved in transporting drug shipments across our POEs. These operations are complex multi-discipline operations that integrate all of the Customs disciplines, local law enforcement and federal agencies to counter the threat along the SWB.

QUESTION #2:

How would you characterize the cooperation of the Mexican Government along the Southwest border? Can you cite specific examples of any increase in cooperation? Do you foresee any breakthroughs?

ANSWER:

U.S. Customs has recently experienced good cooperation with Mexican authorities. The U.S. Customs Attache offices have established strong working relationships with their Mexican counterparts. The Customs representatives in Monterrey have developed sources with the Mexican law enforcement community that have provided intelligence that has allowed our investigative offices along the Rio Grand valley area to make significant drug seizures. The Customs Attache in Mexico City reports that recently the Hacienda and PGR have assisted Customs in money laundering investigations. During fiscal year 1999, Customs conducted eight money laundering investigations in conjunction with Mexican law enforcement authorities. Mexican authorities initiated four of the investigations.

Bilateral mechanisms are in place with Mexican authorities at major ports along the Southwest Border. Customs and Mexican counterparts coordinate efforts to combat port runners, alleviate backups at primary inspection and other matters specific to the port in question.

In San Diego, the ARELLANO-FELIX Organization Task Force is a modified Bi-lateral Task Force comprised of Special Agents from the U.S. Customs, FBI and DEA. Mexican law enforcement authorities are assigned to the task force through the U.S. Attorney's Office. A second modified Bi-lateral Task Force has been formed in El Paso to increased cooperation on the investigations of major narcotics organizations operating in the El Paso - Juarez area. Border Liaisons have been established in many adjoining U.S. / Mexico cities along the Southwest border to facilitate information relating to firearms and ammunition crossing the border. In December 1998, Customs and Mexican authorities conducted a joint arms smuggling enforcement operation.

Customs permanently maintains two aircraft and crew in Mexico to respond to suspect aircraft within Mexico. At least one Mexican pilot is on board during each mission. In addition, one Mexican official is assigned to Customs Domestic Air Interdiction Coordination Center (DIACC).

Mexico clearly recognizes that they have a systematic infrastructure problem in the banking industry along the Southwest border. Mexico has provided FINCEN with CMIR raw data that has been compared against U.S. data and which has assisted in investigations.

QUESTION #3:

How would you characterize the coordination along the Southwest border among the federal agencies and with the state and local officials?

ANSWER:

Coordination of enforcement efforts along the Southwest border has never been better, due in large part to a new and innovative plan called the Border Coordination Initiative (BCI). This program, which was developed and implemented by the U.S. Customs Service and the I&NS on September 29, 1999 has proven itself to be the most effective coordination mechanism amongst the numerous federal, state and local agencies battling border crime.

The first year of BCI has primarily focused on the federal agencies working all along the Southwest Border. It is widely recognized that the Departments of Treasury and Justice represent the overwhelming majority of personnel in that region and as such have the largest number of officers engaged in BCI activities on a day to day basis. Others, including the Department of Agriculture, also are full time participants and contributors to the enforcement process. The Department of the Interior has added value to this coordination effort through the activities of the Fish and Wildlife Service. State and local departments are involved on an ad hoc basis at the present time, however their role will be more clearly defined as BCI moves into Phase II.

During the second year of this initiative, all BCI field areas are being asked to formulate new "action plans" based on their individual year end assessments and to specifically include state and local enforcement into their proposals.

The Border Coordination Initiative is the future of border law enforcement. Through mutually agreed upon cooperation and coordination, the multitude of skills now available from all of our federal, state and local law enforcement authorities are being used to strike back against the drug threat that poses such a danger to our citizens.

QUESTION #4:

What is Customs inventory of technologies that are particularly effective at combating drug smuggling along the Southwest border (for example, mobile X-Ray machines)? Is there a need for more?

ANSWER:

The Customs Service is aggressively pursuing a mix of technologies designed to complement one another and present a layered defense to smuggling attempts. These technologies are listed below:

High Energy X-Ray Systems for Sea Containers

Description: These systems will be able to inspect loaded sea containers in the seaport environment.

Status: A prototype system is undergoing testing and evaluation. It will then be moved for operation evaluation in Miami, FL in FY 2000.

Automated Targeting Systems for Land and Sea Ports

Description: These are expert systems that analyze entry and manifest data against a set of criteria developed from intelligence and officer experience to indicate shipments which present a perceived higher-risk for smuggling.

Status: Nineteen operational systems installed at land and seaports around the nation. Additional systems will be installed as funding allow.

Fixed-Site Truck X-Ray System

Description: X-ray system designed to examine trucks and other vehicles for contraband, especially concealments in the walls, tires, fuel tanks, and structure of the vehicle itself. Can also detect concealments within certain cargoes.

Status: Eight of nine planned systems operational along the Southwest border. Remaining system is awaiting construction of new port in Laredo, TX.

Mobile Truck X-Ray Systems

Description: Mobile version of Customs fixed-site x-rays capable of independent over-the-road mobility. Primarily designed for land border environments with limited application at seaports.

Status: Prototype units undergoing operational evaluation in Laredo, TX, Brownsville, TX and Miami, FL. Five additional units have been ordered.

Gamma-Ray Rail Inspection Systems

Description: System capable of examining boxcars, tankers, and hopper cars while the train is in motion at slow speeds.

Status: Prototype system to begin testing in Laredo, TX in 1999-2000.

Gamma-Ray Vehicle and Container Inspections Systems

Description: Relocatable systems capable of examining vehicles (especially heavier bodied trucks such as tanker trucks) and sea containers.

Status: Contracts awarded for 29 systems to be fielded along Southern Tier and at other high-risk ports. Deliveries have started and will continue for the next 16 months. We have also ordered 11 mobile systems for deployment based on successful work with relocatable systems.

Higher Energy Heavy Pallet X-Ray Systems

Description: System to inspect 8'x8' cargo pallets up to 10,000 pounds.

Status: Prototype undergoing laboratory evaluation. Based on evaluation outcome, additional prototype(s) may be developed. Have also initiated development of a pallet gamma ray inspection device based on the Gamma Ray Vehicle and Container Inspections System.

In addition to these large systems, Customs technology inventory includes 95 x-ray vans and over 100 fixed x-ray systems for items such as baggage, parcels, and mail; and smaller items such as laser range finders, portable contraband detectors (i.e., "Busters") particle detectors, and fiberscopes. All these technologies are valuable tools in our efforts to stop illegal drugs and other contraband.

Finally, Customs is constantly evaluating new technologies and systems to determine if they would contribute to our mission accomplishment. For example, Customs is preparing to perform a field test of a Pulsed Fast Neutron Analysis (PFNA) System in a Customs Land Border port for the examination of vehicles and containers. Another evaluation involves a computer-aided tomography (CAT) x-ray system certified by the FAA for detecting explosives. Customs is evaluating the system to determine its utility for examining parcels and boxes such as frozen seafood.

Customs currently uses existing staff to operate these systems. However, as additional systems are deployed and their complexity increases, this strategy becomes less effective. In order to fully capitalize on these investments and keep pace with expanding trade and passenger volumes, Customs must expand its workforce at the borders.

Customs estimates that at an additional \$70 million in acquisition funding will be required to complete the Inbound Inspection for Drugs portion of our *Five-Year Technology Acquisition Plan for the Southern Tier*.

QUESTION #5:

Is there a particular area along the Southwest Border that, in your opinion, has not received adequate resources?

ANSWER:

U.S. Customs has applied its limited resources fairly and appropriately along the entire 2,000 mile Southwest Border. The Southwest Border has benefited from Congressional and Administration support and has received new resources. As a result U.S. Customs has nearly tripled the amount of narcotics it has seized from this area in the past six years to over 1 million pounds this past year. By increasing the amount of resources available to the border, the amount of illegal drugs seized will increase.

In the past five years on the Southwest Border, commercial truck traffic has increased by 50 percent and rail traffic by 100 percent. The number of passenger vehicles arriving from Mexico reached nearly 90 million in FY 1999. During this period of drastically increasing workload, there has not been a corresponding increase in personnel resources. Inspectional staffing along the Southwest Border is at about the same level as it was five years ago despite the opening of numerous new ports and crossings and expanding hours of service at existing crossings.

This dramatic increase in traffic and drug seizures has had profound effects on the resources of the Office of Investigations as well. Special Agents must respond to drug interdictions at ports of entries, process evidence and violators, conduct controlled deliveries of seized narcotics, prepare court documents and reports, and in general shepherd interdiction cases through the prosecutorial process. Agent numbers have remained static or in some places declined along the Southwest Border. As a result agents are hard-pressed to keep up with the workload, let alone have time to fully develop investigations. For example, agents assigned to our investigative office in San Ysidro, California conducted 3,317 drug investigations during FY 1998 and worked on average 80 hours of overtime each month.

As the Southwest Border continues to remain the primary conduit for cocaine and marijuana entering the United States, gap filler radars are critical to support the network of radar systems that protect our airspace from the air smuggling threat. Over the past several years Department of Defense competing priorities have negated this critical D&M support.

At present, U.S. Customs dedicates its resources based on an areas workload – number of conveyances and /or passengers processed, local threat assessment and prior seizure records. U.S. Customs has contracted for a Resource Allocation Model to be developed to determine present and future staffing needs.

Once the model is complete we will be better able to assess resource allocation.

QUESTION #6:

Who is ultimately responsible for the overall [intelligence] effort along the SWB? Specifically, who is tasked with trying to anticipate where the smugglers will move next with each operation along the border?

ANSWER

Customs has long recognized the need for more and better intelligence. Recognizing that the most critical factor enabling the success of Customs' border mission is the ability to detect and interdict drug shipments crossing our borders, Customs created Intelligence Collection and Analysis Teams (ICATs) to collect actionable intelligence along the SWB. The ICATs are all-source intelligence units that produce highly actionable, operational intelligence products. In addition, the ICATs in conjunction with investigative assets are constantly working with and recruiting informants to increase the amount of intelligence being provided to Customs.

To support the ICATs, Customs has also created a multidiscipline intelligence unit at Headquarters called the Trends Analysis Group or TAG. This group is responsible for the development of reporting that identifies current trends and patterns and disseminating operational intelligence products designed to support Customs management at all levels as well as Customs field units.

As the premier border agency, Customs is charged with preventing the flow of drugs across our borders. To do this, Customs must rely not only on its own initiatives but also on the continuous support and cooperation of other agencies throughout the law enforcement and intelligence communities. The Border Coordination Initiative recognizes this issue by fostering interagency cooperation and information sharing with INS through the Intelligence Collection Analysis Teams (ICATs).

Moreover, Customs continuously and routinely engages law enforcement agencies and the intelligence community to collect actionable intelligence tailored to Customs' border interdiction needs.

One key area that remains to be exploited is that of foreign counterdrug intelligence. Traditionally and legally the formal purview of the DEA, Customs recently signed a Memorandum of Understanding (MOU) with DEA in August 1999 that established a Customs intelligence collection capability through the placement of two Customs officers in Mexico. This initiative will continue the aggressive posture that Customs has taken to improve the intelligence available to front line elements and expand our ability to combat narcotics trafficking at our borders.

QUESTION #7:

Is there a problem with intelligence sharing among the various federal, state and local law enforcement agencies?

ANSWER:

No, intelligence sharing among the various federal, state and local law enforcement agencies is very good. The Border Coordination Initiative (BCI) ensures a cooperative spirit and is working well to facilitate the exchange of intelligence. At the field level, BCI has encouraged the participation of INS and Border Patrol Officers in the ICATS. In addition, the involvement of local law enforcement in the ICATS has also provided a means to share intelligence on a daily basis.

Customs has long-institutionalized formal relationships with the intelligence community and law enforcement agencies to share intelligence, including our daily receipt of all-source interagency intelligence data transmitted electronically. Customs Officers participate in numerous interagency committees and task forces such as HIDTA groups and OCDETF investigations that provide an arena to share intelligence.

Aside from extenuating circumstances, Patrol Officers in the ICATS and the involvement of local law enforcement in the ICATS have also provided a means to share where sensitive case data or stringent reasons to protect sources precludes external dissemination, no real problems exist in sharing intelligence amongst the agencies. The only issue in this area remains a scarcity in the quality and type of intelligence being collected on foreign soil, which is mostly strategic and operational intelligence that does not convey tactical or actionable information for Customs to interdict drugs at our borders.

QUESTION #8:

Should one person or agency be responsible and take the lead in coordinating all operations along the Southwest Border (SWB)?

ANSWER:

No, we do not believe one person or agency should be responsible for coordinating all operations along the Southwest Border. The designation of a single person to coordinate all law enforcement operations along the Southwest Border (SWB) necessitates the formation of a new command structure, which would cross federal, state and local agency lines. There is no mechanism available to accomplish such a sweeping takeover of resources, nor is there any support for such a plan by those agencies presently involved in the SWB enforcement effort.

Our current arrangement offers several advantages to a single person/agency approach. The Border Coordination Initiative (BCI) has established a successful framework for accomplishing the stated goal of cooperation and improved enforcement. This solution is a coordination process driven by need and energized by common goals. Through a mutual understanding of each others missions, agencies are able to utilize both their own resources and skills, as well as those special talents or expertise available from other participants.

Key to success in this venture is acceptance of a set of guiding principles developed, tested and now shared by those agencies actively involved with BCI. These include: improved enforcement over Agency self interest; full and open communication; being inclusive of all agencies and community representatives when they can make a difference; being decisive and empowered to make decisions; measuring success; and working within existing resources.

The culture change within the SWB law enforcement community necessary to make this work is underway and spreading. There has been widespread "buy-in" to this program by all those taking part in BCI. Expenditures have been minimal, while joint success stories are reported in the hundreds, including community and business leader support.

The expansion of BCI to include other federal, state and local entities is planned for FY2000. It is anticipated that the continued growth of the initiative will become the solution to a coordinated response to narcotics smuggling and other crime along the Southwest Border of the United States.

QUESTION #9:

If a coordinating entity were to be designated, how would that model fit the important need for cooperation with state and local officials?

ANSWER:

Phase II of the Border Coordination Initiative (BCI) answers the call for involving state and local law enforcement officials with the fight against crime along our Southwest Border (SWB). It does so by tasking all 24 BCI field locations with establishing formal cooperative relationships with those agencies at each site as part of their FY 2000 action plans. These agreements will include plans to conduct joint training sessions which will provide each federal agency's mission, as well as who at the state local level will handle which geographic area and violation.

The foundation laid by these actions will:

- 1) Provide appropriate points of contact for the state and local law enforcement authorities seeking guidance and or assistance with their operations.
- 2) Ensure coordination of efforts as special operations initiated along the SWB move into the surrounding communities.
- 3) Provide for full and open communication among the BCI participants to enhance community and officer safety.
- 4) Provide information and a means to facilitate the application for and distribution of shared and seized access.

The Border Coordination Initiative value and effectiveness has been proven during its first year. Phase II, which includes the state and local agencies on a formal basis, will no doubt be as successful.

Question #10:

What is being done about Mexican businesses suspected of smuggling operations?

ANSWER:

In the commercial environment several programs have been instituted to address Mexican businesses and how they can help deter smuggling within their company's shipments entering the United States. These are the Land Border Carrier Initiative Program (LBCIP) and the Business Anti-Smuggling Coalition (BASC).

LBCIP - The goal of LBCIP is to deter smugglers of illegal drugs from utilizing commercial conveyances as modes of transportation for their commodities. By signing an agreement with U.S. Customs, companies agree to enhance security at their manufacturing plants in Mexico and have tighter control over their truck drivers and trucks. They also agree to cooperate closely with U.S. Customs in identifying and reporting suspected smuggling attempts.

In return U.S. Customs agrees to provide training to company managers in the areas of plant and cargo security, truck/trailer security, and personnel security – background checks on drivers. In addition, should illegal drugs be found aboard a conveyance of a company with an agreement, the degree of compliance with the terms of the agreement will be considered as an additional mitigating factor in any seizure, penalty decision or recommendation.

BASC – A business-led, U.S. Customs-supported alliance created to stop drug smuggling in commercial shipments. Members of this voluntary program for businesses, with no Customs-imposed mandates, will set self-imposed business standards that will significantly deter narcotics traffickers. The ultimate objective of the BASC is to eliminate the use of legitimate business shipments by narcotics traffickers to smuggle illicit drugs.

The BASC combines "best practices" and ideas that work from both the public and private sectors. In providing a forum in which the business community and U.S. Customs can exchange ideas and information, BASC makes available to its members the best security practices currently in use.

QUESTION #11:

Are due diligence/follow-up investigations being conducted on newly formed or recently acquired businesses where smuggling is known or suspected?

ANSWER:

Customs targets and conducts due diligence investigations on businesses suspected or involved in smuggling activities. Customs has established and implemented the Numeric Integrated Profiling System (NIPS) as an investigative tool. NIPS has the capabilities to compile and analyze a business commercial data such as commodity, foreign manufacture, source of supply, unit pricing, consignee, freight forwarder and transportation mechanism. NIPS illustrates a businesses activity and indicates if there are any abnormalities from normal business patterns in that particular industry.

Question #12:

Have Mexican officials taken steps to reduce production and trafficking of precursor chemicals to the United States?

ANSWER:

A U.S./Mexico Bilateral Chemical Control Working Group has been established, which is comprised of representatives from the Government of Mexico (GOM), U.S. Customs and the Drug Enforcement Administration. This working group meets on a quarterly basis to discuss the issue of illicit chemicals being diverted into Mexico from foreign countries; the use of illicit chemicals in the manufacturing of methamphetamine; varied strategies to confront the transshipment of illicit chemicals into Mexico; and to exchange information that will assist investigative activity.

The GOM has procured four mobile x-ray machines for the detection of precursor chemicals. During FY 1999, U.S. Customs provided the GOM one Ion scanner and trained Mexican officials in the use of Ion scanners in Mexico City. In addition, U.S. Customs provided Mexican officials border chemical interdiction/inspection training in Laredo, Texas.

In December 1997, the GOM enacted Chemical Control legislation for Chemical Precursors, Essential Chemical Products and Machines for producing Capsules, Tablets and/or Pills. In addition the GOM has established a database administered by the Minister of Health to regulate chemical controls and prevent the diversion of chemical precursors essential for the illicit manufacturing of drugs.

QUESTION #13:

In their report entitled, "Drug Control: INS and Customs Can Do More To Prevent Drug-Related Employee Corruption," GAO recommended that the Commissioner of Customs strengthen internal controls at SW Border ports of entry establishing (1) one or more methods to deprive drivers of their choice of inspection lanes; (2) a policy for inspection of law enforcement officers and their vehicles; and (3) a recusal policy concerning the performance of inspections by Customs inspectors where their objectivity may be in question. What has been done to comply with these recommendations?

ANSWER:

(1) one or more methods to deprive drivers of their choice of inspection lanes:

U.S. Customs has implemented these strategies at the ports of entry:

Layered Enforcement / Operation STOP— involves enforcement activities to deter smuggling. This module includes preprimary roving by inspectors and K-9 teams, preprimary blitzes, post primary blitzes, and post primary (last chance) K-9 screening. It also involves unpredictable switching of primary inspector assignments (lane bumps) where inspectors are required to switch to a different lane.

CAOS (Customs Automated Operations System) - which injects unpredictability into the operations with rearranging the numbers on the vehicle primary lanes (3,5,2,4,1 instead of 1,2,3,4,5) and layered enforcement such as block blitzes, sweeps, etc. The application selects what operation to run from a menu that has been input by local management. The time the operation will begin and end can be generated by the application automatically or the supervisor can request an operation to run within selected time parameters. This system was initiated in the Arizona CMC and is currently being expanded to include ports in the South Texas CMC.

Bollards/Jersey Barriers— set up between primary lanes so that once a car enters a specific lane it cannot move over to another lane.

(2) a policy for inspection of law enforcement officers and their vehicles:

Under 19 CFR 148.84, law enforcement officers are not exempt from inspection. Their vehicles, personal effects are to be examined and cleared according to Customs regulations, policies and procedures.

(3) a recusal policy concerning the performance of inspections by Customs Inspectors where their objectivity may be in question:

Customs Directive 51735-011, INTEGRITY INVOLVING FAMILY OR CLOSE ASSOCIATES, dated April 19, 1999, establishes a uniform national policy for conducting Customs official business when family or close associates are involved. The inspection of some law enforcement officers could be covered by this policy as there are instances of Customs Inspectors being close associates of local law enforcement officers, and thus the inspector must recuse themselves from the examination.

Additionally, U.S. Customs has established programs to further strengthen internal controls nationwide:

To report suspected violations to Internal Affairs (IA), employees can now contact Headquarters directly through a toll free number. This avenue lessens the fear of possible repercussions from dealing with local IA. The determination is then made at the Headquarters level as to how best to handle the reported violations – send to the local port, local IA, or have it handled at the national level.

Additional ethics training has been instituted and will be given to all Customs personnel.

A new quality recruitment program has been developed to improve the caliber of newly hired personnel.

To further the Commissioner of Customs' priority of accountability at the field and Headquarters levels, a rigorous self inspection program has been developed and implemented at all levels of the U.S. Customs Service.

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U.S. Department of Justice
Drug Enforcement Administration

Washington, D.C. 20537

OCT 20 1999

Honorable John L. Mica
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Congressman Mica:

Enclosed please find the Drug Enforcement Administration's response to your follow up questions from the Hearing on Examining the Threat along the Southwest Border before the Subcommittee on Criminal Justice, Drug Policy and Human Resources on September 24, 1999.

If you have any further questions, please do not hesitate to contact me at 202-307-7340.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Fiano".

Richard A. Fiano
Chief of Operations

Enclosure

Subcommittee on Criminal Justice, Drug Policy, and Human Resources

Hearing on

Examining the Threat along the Southwest Border

Congressman Mica Follow Up Questions

Question:

The Subcommittee's last hearing on the Southwest border was in February 1997. Since that time, what would you say is the most significant change in the drug threat along the border and what has your office done to address it?

Answer:

The most significant change is the increase of quantities of drugs being smuggled into the United States across the Southwest border. According to statistics amassed by EPIC during the first six months of Calendar Year 1999, law enforcement personnel seized nineteen metric tons of cocaine, principally at the Ports of Entry, as a result of investigations. The most notable increase in cocaine interdiction across the border occurred at San Ysidro and Calexico, California, as well as in El Paso, Texas. Although recent methamphetamine precursor control legislation in the U.S. has been implemented, Mexican methamphetamine traffickers have moved their lab operations to Mexico while smuggling the finished product back to the U.S.

Increased use of heroin among youth and young adults has coincided with the greater availability of high purity heroin that can effectively be snorted rather than injected. Moreover, heroin use by naïve middle and upper class inexperienced users – or by the aging cohort accustomed to less pure heroin – has resulted in severe health consequences requiring emergency room treatment and in increased heroin-related deaths. This increase in heroin use can also be attributed to the aggressive marketing of high purity heroin at lower prices by Colombian trafficking organizations, particularly in the Northeast (New York) where the largest U.S. heroin user population is located. Data from DEA's Heroin Signature and Domestic Monitor Programs indicates that South America (particularly Colombia) accounts

for approximately 75% of the heroin smuggled into the United States. The majority of this heroin is transported into the U.S. via the Southwest border in conjunction with Mexican drug trafficking organizations.

Along with the increase in drug availability, there has also been an increase in drug-related crimes, most notably in the number of homicides and assaults against law enforcement officials and witnesses. Furthermore, in terms of trafficking routes, although the traffickers had shifted their smuggling operations to Texas and Arizona during OPERATION GATEKEEPER, the traffickers are back. We are seeing a greater percentage of drugs entering the U.S. through the California border once again, and the San Diego Field Division's arrest statistics are up as a result. In addressing this issue, we have enhanced our Southwest border offices with more personnel. In 1998, the El Paso Field Division was established along with DEA Resident Offices in Juarez and Tijuana, Mexico. DEA also initiated the "911" Brand Name Program in New York and other major Northeast cities which identified heroin distributors at the small retail level which lead to the dismantling of major Colombian, Dominican, and other drug trafficking organizations.

Question:

How would you characterize the cooperation of the Mexican Government along the Southwest border? Can you cite specific examples of any increase in cooperation? Do you foresee any breakthroughs?

Answer:

Limited cooperation exists between DEA and Government of Mexico (GOM) law enforcement agencies along the Southwest border, but there is a need for improvement. On several recent occasions, DEA allowed GOM prosecutors to depose a key witness in the Alcides Ramon-Magana investigation. Since the date of the last deposition, a capsulized version of the witness's statements made to the GOM officials has appeared in the Mexican press.

DEA continues to maintain coordinated efforts with Mexico's Base Intelligence Units (BIU's), which have access to DEA allocated off-site office space in two U.S. cities: San Diego, California, El Paso, and plans are developing for future off-sites in Laredo, Texas and McAllen, Texas. These off-sites are utilized as coordination centers where the GOM and USG law enforcement officials meet to discuss and plan bilateral counter narcotics investigations along the Mexico/U.S. border. In addition to this U.S. office space, DEA opened two Resident Offices in Tijuana and Juarez, Mexico so that permanent DEA officials could closely coordinate investigative activities with the BIU's. However, no immediate enhancement in the level or extent of bilateral cooperation is anticipated in the immediate

future. This can be attributed in part to the continued presence of some corruption in GOM law enforcement including, on occasion, vetted unit personnel in Mexico. Additionally, the severe lack of GOM staffing and resources allocated to the BIU's continue to adversely impact the effectiveness of these units.

Question:

How would you characterize the coordination along the Southwest border among the federal agencies and with the state and local officials?

Answer:

The coordination along the Southwest border among the federal agencies and with state and local agencies is outstanding. The HIDTA-funded task forces that have been formed at the border are extremely effective. Federal, state and local agencies participate on these Task Forces. Representatives of these agencies participate in the HIDTA Executive Committee, which formulate initiatives and strategies. DEA's Special Operation Division (SOD), which includes the FBI, USCS and IRS has the responsibility of establishing seamless narcotic law enforcement strategies and operations that dismantle drug trafficking organizations. These strategies include SOD's ability to collect, collate, analyze, evaluate and disseminate information and intelligence derived from worldwide multi-agency elements. SOD converts this information into usable leads, which are passed to domestic field divisions and foreign country offices for real-time investigative and enforcement action directed against major trafficking organizations of a regional, national, or international scope. With regard to domestic enforcement, SOD assists field divisions build national conspiracy cases derived from multi-jurisdictional wiretap investigations conducted by various DEA offices and state and local agencies. Currently, FBI investigators are working at DEA's Southwest border field office's which include HIDTA's and other multi-agency task forces.

Question:

What is DEA's inventory of technologies that are particularly effective at combating drug smuggling along the Southwest border (for example, mobile X-Ray machines?) Is there a need for more?

Answer:

DEA does not use X-ray machines in their investigations. The technology utilized by DEA in effectively combating drug trafficking along the Southwest border includes the traditional Title III and Title III digital interception, package beacons, GPS Type beacons, individual night vision equipment, video concealment, thermal imaging equipment and low light

photogenic equipment. However, more sophisticated and state of the art equipment is needed such as improved tracking devices and listening devices. A research and development team designed to address our unique technological needs is highly recommended. This team would conduct research and subsequently create the type of equipment that can intercept encrypted digital radio communications conducted by cross-border traffickers who move freely from one cell cite to another. In addition, advanced technology is needed to effectively capture trafficker communication via satellite telephones and the Internet, bearing in mind that international laws must be considered.

Question:

Is there a particular area along the Southwest border that, in your opinion, has not received adequate resources?

Answer:

Yes, in general, our Southwest border Field Division offices have not received adequate resources to combat the ever increasing flow of narcotics into the United States from Mexico. These field divisions need more agents, intelligence analysts, diversion investigators and more specialized computer experts. To effectively address the increase of arrests and seizures, more U.S. magistrates, federal prosecutors and U.S. Marshals are desperately needed.

Having a greater number of bilingual core series personnel would also be a tremendous asset. In addition, a strong infrastructure is necessary to support the arrival of new personnel in terms of management, training, supplies, furniture, and administrative concerns.

Question:

Who is ultimately responsible for the overall effort along the Southwest border? Specifically, who is tasked with trying to anticipate where the smugglers will move next with each successful operation along the border?

Answer:

In 1973 DEA was created as the lead agency for domestic enforcement of federal drug laws and with the sole responsibility for coordinating and also pursuing U.S. drug investigations at the international level. Given the magnitude of the drug problem, DEA recognizes there must be a team effort by federal, state, and local officials, fully utilizing their intelligence sources and enforcement capabilities, to effectively conduct counter drug operations. No single federal agency can solve the border drug problem. Anticipation of smuggler

movements along the Southwest border is the responsibility of the entire law enforcement community. This can be accomplished through the sharing of intelligence which is developed by federal, state and local officials through debriefing confidential sources, conducting wiretaps, and developing information derived from post seizure analysis, i.e., tactical intelligence, not strategic. DEA's Special Operation Division (SOD) has the responsibility for the oversight and guidance of DEA's Title-111 program. This enables DEA to exploit organizational command and control communications to identify infrastructures, and subsequently dismantle the major trafficking organizations operating along the Southwest border and throughout the U.S. Utilizing input from all participating agencies which include DEA, FBI, USCS and IRS, SOD is able to evaluate and determine the trends and infrastructures of Mexican Drug Trafficking Organizations (MDTO) operating along the Southwest border. For example, it was during Operation Reciprocity and Limelight that DEA first identified MDTO, particularly the Amado Carrillo-Fuentes Organization (ACFO) had changed the traditional trend of delivering drugs from Mexico into the U.S. These investigations revealed that the ACFO and other Mexican trafficking organizations were utilizing older, independent truckers to deliver large quantities of narcotics directly to Colombian traffickers in the East Coast, particularly New York City. These loads of narcotics were concealed with regular produce that the truckers normally delivered and were not likely to get stopped for traffic or maintenance violations. Additionally, these trafficking groups used encrypted communication devices and stash houses to secrete their illegal activity. There are four SWB Special Agents in Charge who are responsible to stem the flow of drugs into their area of responsibility. Since traffickers react to trends and can return to a geographical area at any moment, DEA and other law enforcement officials should be prepared to employ a strategy of containment to the increased flow of drugs into a particular geographical area.

Question:

Is there a problem with intelligence sharing among the various federal, state and local law enforcement agencies?

Answer:

The problem with sharing intelligence with the various federal, state and local law enforcement agencies is with the classification of information, and the fact that the information is handled differently by different law enforcement agencies. There is also a problem at times with proprietorship of intelligence information. Nevertheless, the HIDTA-supported Narcotics Information Network (NIN) is an example of successfully working together to accomplish our respective mission of connectivity and case support. The NIN Watch Center is a demonstration of the effective sharing of intelligence. Intelligence sharing among federal, state, and local agencies is also accomplished through SOD, EPIC and the

respective agency headquarters intelligence units. SOD has the responsibility of collecting, analyzing and disseminating tactical intelligence information on multi-jurisdictional cases for investigative and enforcement action by DEA domestic and foreign offices. EPIC is an interagency intelligence center that consists of representatives from 15 member federal agencies and associate agencies including all 50 states and U.S. commonwealths and territories. The role of EPIC is to collect, process and disseminate intelligence information concerning illicit drug and currency movement, alien smuggling, weapons trafficking and related activity. EPIC was created to perform the vital function of rapid intelligence dissemination to concerned agencies on a timely basis to permit those agencies to react promptly to effect arrests and seizures.

Question:

If a coordinating entity were to be designated, how would that model fit the important need for cooperation with state and local officials?

Answer:

A coordinating entity is not the answer to the problem of cooperation with state and local officials. DEA does not concur with the establishment of any system, including that of a Southwest Border Drug Coordinator, which would impede our ability to conduct investigations. The latitude required to conduct such investigations makes it imperative that DEA remain free of restraint from the control of individuals and institutions whose sole focus is regional, such as the Southwest Border. Teamwork is developed through the trust established by each agency while working together on numerous intelligence collection and enforcement initiatives. Each agency has its own jurisdictional issues and its own mission. DEA believes that our state, local, and HIDTA Task Force members are the best mechanisms for coordinating counter drug efforts. Creating an additional management layer to oversee counter drug activities along the border would constrain the latitude that agencies must be permitted in order to accomplish their missions.

Question :

What can Congress do to better help you?

Answer:

Congress can better assist us by providing more resources and by getting more involved at their level to establish a cohesive work policy internationally. Congress can aid our efforts by adopting a positive outlook on the ongoing cooperative efforts with Mexico, and consider the manner in which we can further assist Mexico in the mutual problem of drug trafficking

and its effect upon our countries. In addition, Congress could demonstrate support for us by passing laws which would further our money laundering investigative efforts. The limits on allowable drug amounts for prosecution need to be reevaluated. Furthermore, it would be beneficial for Congress to consider the need for more Judges, more prosecutors, and more prison space.

Question:

Has the percentage (& the purity) of the heroin crossing the SW border increased over the last few years? If so, can you explain why and what is being done to address it?

Answer:

In recent years, there has been a significant increase in the percentage and purity of heroin being imported into the U.S. from Mexico through the vast geographical area along the Southwest border. This can be partially attributed to the "streamline" process being utilized by Colombian and Mexican traffickers. This process involves less handling by "middlemen" who in the past would dilute the heroin. With the utilization of the "streamline" process, the heroin is distributed directly from the Colombian/Mexican traffickers to established Dominican and other trafficking organizations who route the high purity heroin through "mill/ packaging houses." The high purity heroin is then distributed at the retail street level. According to our Domestic Monitoring Program (DMP), heroin purity in the U.S. has increased significantly since the 1980s when purity averaged 7%, as compared to 42-70% purity of recent seizures. The sophisticated techniques utilized by Colombian, Mexican, and other international drug organizations has improved, thus creating a higher purity in the processing of heroin. The introduction of Southeast Asian and South American heroin in the 1990's pushed national average heroin purity to 41.2 percent in 1998. South American heroin, which investigative intelligence indicates is destined for the Northeast powder heroin market, traditionally is transported by air courier through Miami and New York. However, in their efforts to avoid law enforcement initiatives in the east, Colombian traffickers increasingly use SWB ports-of-entry to smuggle heroin to the United States. For example, of the 21 heroin seizures at El Paso that were analyzed for source of origin, 13 were identified as South American. DEA is currently implementing procedures and programs like Operation Chiva to effectively address this problem.

Question:

Have the Mexican authorities provided the necessary intelligence and support for U.S. operations?

Answer:

There is an exchange of intelligence between DEA's eight offices in Mexico and GOM counterparts. Nine (9) BIU's have also been established at nine different locations in Mexico. Within these vetted units intelligence is exchanged between DEA and GOM counterparts. DEA and its principal GOM counterpart, the Fiscalía Especializada Para la Atención de Delitos Contra la Salud (FEADS), continue to conduct joint investigative endeavors throughout Mexico. As of October 1999, the GOM has a total of 58 FEADS agents assigned to the vetted units (47 assigned to nine BIUs and 13 assigned to three SIUs), despite the fact that the DEA and the FBI have conducted 539 polygraph examinations of FEADS personnel which resulted in 343 FEADS personnel being vetted under U.S. standards and 176 trained by USG Investigators in Quantico and Leesburg, Virginia.

Overall, the GOM has provided limited support to the vetted units, in terms of manpower, funding and equipment. Virtually all of the BIU's are under-manned and under-equipped. The BIU offices are sparsely furnished and contain only the basic investigative equipment. In terms of staffing, the 58 FEADS agents represent a decrease of several agents in FEADS staffing levels from that reported in December 1998. The decrease in personnel is due in part to the fact that three FEADS agents assigned to the Monterrey BIU were arrested on March 2, 1999 on extortion charges; two FEADS agents assigned to the Monterrey BIU were arrested on March 2, 1999 on extortion charges; two FEADS agents assigned to the BIU in Tijuana were arrested on trafficking charges; one Organized Crime Unit (OCU) agent assigned to the Mexico City SIU was arrested on marijuana possession charges in Saltillo, Mexico on February 22, 1999; and two Mexico City SIU agents were discharged in September 1999 after failing GOM-administered polygraphs.

These personnel losses have not yet been replaced by the GOM. However, even with these impediments to adequate staffing, the vetted units have supported U.S. operations, such as in the case of Operation IMPUNITY and Operation MILLENNIUM. In the case of the former, in September 1999 a Provisional Arrest Warrant (PAW) requesting the arrest of Jaime AGUILAR-Gastelum was delivered by a USDOJ attorney to the GOM in Mexico City. On September 22, 1999, the BIU in Reynosa, commanded by a non-vetted FEADS official, located and arrested Jaime AGUILAR-Gastelum, a Mexican citizen residing in Reynosa who was a target identified by DEA as a drug trafficker associated to the investigation. In the case of the latter, based on information provided by DEA to FEADS officials, on October 13, 1999, the BIU in Guadalajara located and detained Guillermo MORENO-Rios, a Colombian citizen and target residing in Guadalajara who was identified by DEA as a drug trafficker associated with the investigation. On that same date, a USDOJ Provisional Arrest Warrant requesting MORENO's arrest and extradition to the U.S. was delivered to the GOM. It is